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BOSTON ZONING CODE

AND

ENABLING ACT

As Amended Through

December 31, 1997

Volume I

Enabling Act

General Code

(Articles 1-34, 36, 80 85 and 86)



Thomas M. Menino
Mayor of Boston

**BOSTON ZONING CODE
and Enabling Act**

As Amended Through December 31, 1997

This edition of the Boston Zoning Code and Enabling Act incorporates all text amendments to the Boston Zoning Code adopted through December 31, 1997. It also includes the Boston zoning enabling act, Chapter 665 of the Acts of 1956, as amended (the "Enabling Act"). Boston zoning maps, and the amendments thereto, are available separately.

This edition consists of three volumes:

- Volume I - Enabling Act**
General Code (*Articles 1 - 34, 36, 80, 85 and 86*)
- Volume II - Downtown Districts**
Central Artery Special District
Harborpark District
- Volume III - Neighborhood Districts**

Copies of the Boston Zoning Code, Enabling Act, and zoning maps may be purchased at the offices of the Boston Redevelopment Authority, on the 9th floor of Boston City Hall.

Information on zoning text and map amendments, and copies of amendments adopted subsequent to this printing, may be obtained from the Secretary to the Zoning Commission, at the offices of the Boston Redevelopment Authority. Inquiries may be made in person or by mail or telephone to:

Secretary to the Zoning Commission
One City Hall Square, 9th Floor
Boston, MA 02201
(617) 722-4300

BOSTON ZONING CODE AND ENABLING ACT

VOLUME I

**The Enabling Act, and Articles 1-34, 36, 80, 85 and 86
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CHAPTER 665 OF THE ACTS OF 1956

(As amended through March 31, 1994)

AN ACT AUTHORIZING THE CITY OF BOSTON TO LIMIT BUILDINGS ACCORDING TO THEIR USE OR CONSTRUCTION TO SPECIFIED DISTRICTS

SECTION 1 (as amended by St. 1958, c. 77, s. 1, St. 1989, c. 137, s. 2, and St. 1994, c. 461, s. 2). There shall be in the city planning department of the city of Boston, or in such other department of said city as the city council of said city with the approval of the mayor of said city shall from time to time determine, a board, known as the zoning commission, consisting of eleven zoning commissioners appointed by the mayor, subject to confirmation by the city council, as follows: one commissioner from two candidates nominated by the Greater Boston Labor Council AFL-CIO; one commissioner from two candidates nominated by the Greater Boston Real Estate Board; one commissioner from two candidates nominated one by the Boston Society of Architects and one by the Boston Society of Landscape Architects; one commissioner from two candidates nominated by the Greater Boston Chamber of Commerce; one commissioner from two candidates nominated by the Building Trades Employers' Association and two candidates nominated by The Contractor's Association of Boston, Inc.; three commissioners selected at large by the mayor, of whom one shall own alone or with one or more other persons, and shall occupy in whole or in part as her or his place of residence, a dwelling house having not more than three dwelling units, and one of whom has operational control of a retail store or manufacturing company with between five and fifty employees; and three commissioners selected by the mayor, each of whom has served for at least one year (1) as an officer or member of the board of directors or similar governing body of a residential neighborhood organization which (a) is a non-profit organization consisting primarily of residents of a specific neighborhood; (b) has at least twenty-five members; (c) allows any resident of the neighborhood to join as a member; (d) has as a principal purpose the preservation of the quality of residential life in the neighborhood; and (e) has been in existence for at least two years; or (2) as a member of a residential neighborhood organization which (a) has been established by the mayor; (b) consists primarily of residents of a specific neighborhood; and (c) has as a principal purpose the preservation of the quality of residential life in the neighborhood; provided, however, that any person appointed from a residential neighborhood organization under this section is a resident of the neighborhood represented by the residential neighborhood organization in which he or she has served. The three commissioners from residential neighborhood organizations shall reside at the time of their respective appointments in different city council districts. All zoning commissioners shall be residents of the city of Boston.

Appointments of zoning commissioners shall be for terms of three years.* Any vacancy in the office of a zoning commissioner shall be filled for the unexpired term in the same manner in which the original appointment to such term was made. Any zoning commissioner absent from more than one-third of the public hearings of the commission held within a twelve-month period during her or his term may be removed from the commission by the mayor at his discretion by notice to the city council; provided, however, that there were at least three public hearings of the commission during the twelve-month period. Any zoning commissioner so removed shall not be reappointed to the commission. Any vacancy caused by the removal of a zoning commissioner for absence shall be filled for the unexpired term in the same manner in which the original appointment to such term was made.

[*For Zoning Commissioners appointed pursuant to St. 1994, c. 461, see St. 1994, c. 461, ss. 7 and 8.]

The zoning commission shall elect one of its members as chairperson and another as vice chairperson. The zoning commission shall also elect a secretary, who need not be a member of the commission. Each zoning commissioner shall receive for every day or part thereof of actual service one hundred and fifty dollars or such other sum as may from time to time be fixed by the city council with the approval of the mayor; but no zoning commissioner shall so receive in any one year more than two thousand two hundred and fifty dollars or such other sum as may from time to time be fixed by the city council with the approval of the mayor.

The zoning commission shall cause to be made a detailed record of all its proceedings, which record shall include the vote of each member participating in its decisions, and the absence of a member or his failure to vote.

The zoning commission shall not be subject to the supervision or control of the officer or board in charge of such department of the city as the commission shall from time to time be in; but unless otherwise ordered by the mayor, the zoning commission shall not make any annual or other report except through such officer or board, and shall not communicate with the mayor except through such officer or the chairman of such board.

Zoning commission members, and members of the Boston civic design commission shall not be deemed in violation of paragraph (a) of section seventeen of chapter two hundred and sixty-eight A of the General Laws for receiving compensation regarding a particular matter which is pending before their respective commissions, or which is, or within one year has been, under their official responsibility provided that (1) the commission member does not participate either directly or indirectly in the commission's review or decision on the particular matter; and (2) as soon as the commission member becomes aware of the conflict, such member files with the city clerk a statement making full disclosure of the member's interest and interests of the member's immediate family in the particular matter under review. Nothing contained

herein shall be construed to exempt members from paragraph (c) of said section seventeen of said chapter two hundred and sixty-eight A.

SECTION 2. For the purpose of promoting the health, safety, convenience morals or welfare of its inhabitants, the City of Boston may, by a zoning regulation adopted by its zoning commission, regulate and restrict the height, number of stories, and size of buildings and structures, the size and width of lots, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location and use of buildings, structures and land for trade, industry, agriculture, residence or other purposes; *provided, that use of land for a municipal purpose shall not be permitted in any district in which dwellings are permitted except that where, at the time of the adoption of a zoning regulation or amendment permitting dwellings in a district, a particular parcel of land in such district is used for a particular municipal purpose, use of such land for such purpose may be allowed to continue, and except, further, that use of a particular parcel of land for a municipal purpose in a district where dwellings are permitted may be allowed by special order of the zoning commission adopted after like report, notice and hearing, and in like manner and with like approval as a zoning regulation or amendment if notice of the hearing thereon is also sent by mail, postage prepaid, to the owners of all abutting property and also to the owners of such other property as may be deemed by the zoning commission to be especially affected by such order, as they appear on the then most recent local tax list.

[*Proviso annulled in part by St. 1966, c. 642, s. 4, par. (E).]

For any or all of such purposes a zoning regulation may divide the city into districts of such number, shape and area as may be deemed best suited to carry out the purposes of this act, and within such districts it may regulate and restrict the erection, construction, reconstruction, alteration or use of buildings and structures, or use of land, and may prohibit noxious trades within the city or any specified part thereof. The regulations and restrictions shall be uniform for each class or kind of buildings, structures or land, and for each class or kind of use, throughout the district but the regulations and restrictions in one district may differ from those in other districts. Due regard shall be paid to the characteristics of the different parts of the city; and the regulations and restrictions shall be the same for zones, districts or streets having substantially the same character.

A zoning regulation shall be designed among other purposes to lessen congestion in the streets; to conserve health; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; to conserve the value of land and buildings; to encourage the most appropriate use of land throughout the city; and to preserve and increase its amenities.

SECTION 3 (as amended by St. 1958, c. 77, s. 2, and St. 1966, c. 193, s. 1 and St. 1994, c. 461, s. 2). A zoning regulation may be adopted and from time to time be amended by alteration, addition or repeal, but only in the manner hereinafter provided. No zoning regulation originally establishing the boundaries of a district or the regulations and restrictions to be enforced therein, and no such regulation amending the same as aforesaid, shall be adopted until the Boston Redevelopment Authority shall have submitted a report with recommendations concerning such regulation or amendment or allowed twenty days to elapse after receipt from the zoning commission of a request for such a report without making such a report, nor until after the zoning commission shall have given notice and held public hearing with respect to such regulation or amendment. Such notice shall be published at least twenty days prior to such hearing in one or more newspapers of general circulation in the city of Boston and, where the regulation or amendment affects a specific zoning district, in a newspaper of circulation in the neighborhood in which the zoning district is located. Such notice shall (a) refer to this act, (b) give the time and place of the public hearing, and (c) either state the express terms of the proposed regulation or amendment, or state the general subject thereof and the times when and the place where a copy of the express terms thereof may be obtained. Such notice shall also be sent by mail, postage prepaid, at least twenty days prior to the hearing, to any person filing written request for notice of hearings, such request to be renewed yearly in December. Such public hearing shall be attended by not less than six members of the zoning commission; and if less than six members are present at any public hearing, the members actually present may adjourn the same by proclamation to such time and place as they deem advisable, and further notice thereof shall not be necessary. After such notice and hearing the zoning commission, by the concurrent vote of not less than seven of its members, may adopt or reject the proposed regulation or amendment, or may adopt a regulation or amendment in substantial accord with the proposed regulation or amendment. Votes of the zoning commission adopting a zoning regulation or amendment thereof shall be subject to the same provisions of law in respect to approval by the mayor as orders or votes of the city council of the city, except that the concurrent vote of not less than nine members of the zoning commission shall be necessary to pass such a regulation or amendment over the veto of the mayor.

Any resident of the city of Boston or any owner of property therein may petition the zoning commission to adopt an amendment of a zoning regulation, but shall not be entitled to have her or his proposed amendment considered by the commission unless he or she pays the city such reasonable sum, if any, as may from time to time be established by zoning regulation as the estimated average cost to the city of giving notice of a hearing on a proposed amendment of a zoning regulation in accordance with the provisions of this section.

SECTION 4. A zoning regulation or any amendment thereof shall apply to any change in the use of building or structure or of land, and to any alteration of a building or structure when the same would amount to reconstruction, extension or structural

change, and to any alteration of a building or structure to provide for its use for a purpose or in a manner substantially different from the use to which it was put before alteration, or for its use for the same purpose to a substantially greater extent; but no zoning regulation nor any amendment thereof shall apply to existing buildings or structures, nor to the existing use of any building or structure, or of land to the extent to which it is used at the time of the adoption of such regulation or amendment, except that any such regulation or amendment may regulate non-use of a nonconforming use so as not to unduly prolong the life thereof.

SECTION 5. No zoning regulation or amendment thereof shall affect any permit issued or any building or structure lawfully begun before notice of hearing before the zoning commission has first been given; provided, that construction work under such a permit is commenced within six months after its issue, and the work, whether under such permit or otherwise lawfully begun, proceeds in good faith continuously to completion so far as is reasonably practicable under the circumstances. The issuance of a permit or the beginning of work upon a building or structure, or a change of use, after such notice has been given, shall not justify the violation of a zoning regulation or an amendment thereof subsequently adopted as the outcome of such hearing and in substantial accord with such notice; provided, the subsequent steps required for the adoption of such regulation or amendment thereof are taken in their usual sequence without unnecessary or unreasonable delay.

SECTION 6. A building, structure or land used or to be used by a public service corporation may be exempted from the operation of a zoning regulation or amendment if, upon petition of the corporation, the state department of public utilities shall, after public notice and hearing, decide that the present or proposed situation of the building, structure or land in question is reasonably necessary for the convenience or welfare of the public.

SECTION 7. The building commissioner of the city shall withhold a permit for the construction or alteration of any building or structure if the building or structure as constructed or altered would be in violation of any zoning regulation or amendment thereof; and state and municipal officers shall refuse any permit or license for a new use of a building, structure or land which use would be in violation of any zoning regulation or amendment thereof.

SECTION 8 (as amended by St. 1966, c. 193, s. 2; St. 1972, c. 802, s. 66; St. 1973, c. 296, s. 4; and St. 1994, c. 461, s. 2). There is hereby established in the city of Boston a board to be called the board of appeal, and to consist of seven members and seven alternate members appointed by the mayor and confirmed by the city council in the following manner: one member and one alternate member from four candidates nominated by the greater Boston real estate board; one member and one alternate member from four candidates nominated by the Boston Society of Architects; one member and one alternate member from eight candidates, two nominated by the Master Builders Association, two by the Building Trades Employers' Association, two

by the Associated General Contractors of Massachusetts, and two by The Contractor's Association of Boston, Inc.; one member and one alternate member from four candidates nominated by the Building Trades Council of Greater Boston; one member and one alternate member selected at large by the mayor; and two members and two alternate members selected by the mayor each of whom has served for at least one year (1) as an officer or member of the board of directors or similar governing body of a residential neighborhood organization which (a) is a non-profit organization consisting primarily of residents of a specific neighborhood; (b) has at least twenty-five members; (c) allows any resident of the neighborhood to join as a member; (d) has as a principal purpose the preservation of the quality of residential life in the neighborhood; and (e) has been in existence for at least two years; or (2) as a member of a residential neighborhood organization which (a) has been established by the mayor; (b) consists primarily of residents of a specific neighborhood; and (c) has as a principal purpose the preservation of the quality of residential life in the neighborhood; provided that any person appointed from a residential neighborhood organization under this section is a resident of the neighborhood represented by the residential neighborhood organization in which she or he has served. The two members from residential neighborhood organizations shall reside at the time of their respective appointments in different city council districts. The two alternate members from residential neighborhood organizations shall reside at the time of their respective appointments in different city council districts.

All members and all alternate members of said board shall be residents of the city of Boston. Appointments of members and alternate members of said board shall be for terms of three years. Any vacancy in the office of a member or alternate member shall be filled for the unexpired term in the same manner in which the original appointment to such term was made.

Each member and each alternate member of said board shall be subject to the provisions of chapter two hundred and sixty-eight A of the General Laws. In addition, notwithstanding the provisions of any general or special law to the contrary, no member or alternate member shall participate in hearing or deciding (a) any appeal involving property in which he has held an ownership interest, or received compensation for services rendered, within two years of the date the appeal was filed with the board; and (b) any appeal involving property in the same geographic zoning district and seeking relief from the same provisions of the zoning regulations as any other appeal pending before the board in which the member or alternate member has a financial or legal interest. A violation of the provisions of the preceding sentence shall be punishable in the same manner as a violation of the provisions of section nineteen of said chapter two hundred and sixty-eight A and shall be subject to the provisions of section twenty-one of said chapter two hundred and sixty-eight A.

Upon the absence or disqualification from the hearing of any appeal of a member appointed upon nomination or at large under this section, the alternate member appointed in the same manner as such member shall substitute for such

member; provided, however, that upon the absence or disqualification from such hearing of such alternate member, the chairperson shall designate one of the remaining alternate members to substitute for such member.

Upon the absence or disqualification from the hearing of any appeal of a member appointed from a residential neighborhood organization under this section, the alternate member appointed from a residential neighborhood organization whose term is concurrent with such member shall substitute for such member; provided, however, that upon the absence or disqualification from such hearing of such alternate member, the other alternate member appointed from a residential neighborhood organization shall substitute for such member; and provided, further, that upon the absence or disqualification from such hearing of such other alternate member, the chairperson shall designate one of the remaining alternate members to substitute for such member.

Each member and each alternate member of the board of appeal shall receive for every day or part thereof of actual service two hundred dollars or such sum as may from time to time be fixed by the city council with the approval of the mayor; but no member or alternate member shall so receive in any one year more than twenty-four thousand dollars or such other sum as may from time to time be fixed by the city council with the approval of the mayor. The board shall establish rules and regulations for its own procedures not inconsistent with this act.

Any board or officer of the city or any person aggrieved by reason of being refused a permit by any administrative official under the provisions of the state building code or by reason of any order or decision of the building commissioner or other administrative official in violation of any provision of the state building code or any zoning regulation or amendment thereof adopted under the state building code may appeal to said board of appeal within forty-five days after such refusal, order or decision by paying to the building commissioner a fee of twenty-five dollars* or such other sum as the city council with the approval of the mayor may from time to time prescribe, and by filing with the board or officer from whose refusal, order or decision the appeal is taken a notice of appeal specifying the grounds thereof. Such board or officer shall forthwith transmit to said board of appeal such notice of appeal and all documents and papers constituting the record of the case in which the appeal is taken. (Effective Jan. 1, 1975)

Said board of appeal shall fix a reasonable time for the hearing of any appeal and give at least twenty days public notice thereof in a newspaper of general circulation in the city. Said board of appeal shall also send notice, by mail, postage prepaid, at least twenty days prior to the hearing, to the appellant and to the owners of

* See Appendix #1 of the Zoning Code for fees charged by the Building Commissioner for appeals to the Board of Appeal.

all property deemed by said board of appeal to be affected thereby, as they appear on the then most recent local tax list, and to any person filing written request for notice of hearings, such request to be renewed yearly in December, and to the Boston Redevelopment Authority. The board shall schedule the hearing in the evening, if the board receives from the mayor or any city councillor and from fifty residents of the neighborhood in which the project is located, prior to the submission of the notice for publication and the mailing of the notice, a written request that the hearing be scheduled in the evening. The notice sent by mail shall identify the specific variance, exception, or other zoning relief which the appellant is seeking. At the hearing any party whether or not entitled to notice thereof may appear in person or by agent or attorney. The board of appeal may in its discretion administer oaths to all persons testifying at said hearing. No such hearing shall be held any day on which a state or municipal election, preliminary election or primary is held in said city.

In acting upon such appeal, said board of appeal may, in conformity with the provisions of this act, reverse or affirm in whole or in part, or may modify, any order or decision, and may make such order or decision as ought to be made, and to that end shall have all the powers of the board or officers from who the appeal is taken and may direct the issue of a permit. The board may in its discretion continue the hearing in order that the appellant may meet with any residential neighborhood organization specified by the board to discuss the appeal, and the board may in its discretion deny the appeal without prejudice in the event the appellant fails to do so. The concurring vote of five members of said board of appeal shall be necessary to reverse any order or decision of any administrative official under this act, or to decide in favor of the appellant on any matter upon which it is required to pass under any zoning regulation or amendment thereof, or to grant any variance in, or exception to, the application of any such regulation or amendment.

Said board of appeal shall cause to be made a detailed record of all its proceedings, which record shall set forth: the reasons for its decision; the vote of each member participating therein; the absence of a member or her or his failure to vote; and any conditions or provisos to which the granting of any variance or exception was made subject by vote of said board of appeal at the hearing. Such record shall be filed in the office of the building commissioner of the city within ninety days of the hearing and shall be open to public inspection; provided, however, that the board may for good cause extend the time for such filing. Notice of such decision shall be mailed forthwith to each party in interest as aforesaid, to the Boston Redevelopment Authority, to every person receiving notice of the hearing, and to every person present at the hearing who requests that notice be sent to her or him and states the address to which such notice is to be sent.

SECTION 9. Upon an appeal from the refusal of the building commissioner or other administrative official to issue a permit under this act or under a zoning regulation as adopted and amended under this act, said board of appeal may authorize with respect to a particular parcel of land or to an existing building thereon a

variance from the terms of such zoning regulation where, owing to conditions especially affecting such parcel or such building, but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of such zoning regulation would involve substantial hardship to the appellant, and where desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent and purpose of such zoning regulation, but not otherwise. In authorizing such variance, said board may impose limitations both of time and of user, and a continuation of the use permitted may be conditioned upon compliance with regulations to be made and amended from time to time thereafter.

SECTION 10. A zoning regulation or amendment thereof may provide that exceptions may be allowed to the regulations and restrictions contained therein, which shall be applicable to all of the districts of a particular class and of a character set forth in such zoning regulation or amendment. Such exceptions shall be in harmony with the general purpose and intent of the zoning regulation or amendment, and may be subject to general or specific limitations therein contained. If exceptions are so provided for, said board of appeal may, subject to appropriate conditions and safeguards, allow such an exception upon an appeal from the refusal of the building commissioner or other administrative official to issue a permit under this act or under a zoning regulation or amendment thereof adopted under this act.

SECTION 10A (as inserted by St. 1987, c. 371, s. 2). Any persons aggrieved by a decision of the zoning commission approving a zoning map amendment or a zoning regulation or amendment thereof, or by any procedural defect therein, or any municipal board or officer, may appeal such decision to the superior court in the county of Suffolk or to the land court; provided, however, that such appeal is filed in said court within thirty days after such decision became effective in accordance with the provisions of section three. Upon an appeal pursuant to this section, the court shall hear all pertinent evidence and determine the facts, and, upon the facts as so determined, annul such action if found to exceed the authority of such commission, or make such other decree as justice and equity may require. The foregoing remedy shall be exclusive; but the parties shall have all rights of appeal and exception as in other equity cases.

Costs shall not be allowed against said zoning commission unless the court finds that the commission acted with gross negligence, in bad faith or with malice; and costs shall not be allowed against the party appealing from the action of the commission unless the court finds that said party acted in bad faith or with malice in appealing to the court.

Appeals to the superior court under this section shall have precedence over all other civil actions and proceedings.

SECTION 11 (as amended by St. 1974, c. 669, s. 1 and St. 1994, c. 461, s. 2). Any person aggrieved by a decision of said board of appeal, whether or not previously a party to the proceeding, or any municipal board or officer, may appeal to the superior court department of the trial court sitting in equity for the county of Suffolk or, in the event that such decision is concerned with any building or place used, or intended or permitted for use, as a place of human habitation, to the housing court of the city of Boston; provided, however, that such appeal is filed in either of said courts within twenty days after such decision is filed with the building commissioner. The Court may in its discretion require the person or persons so appealing to file a bond with sufficient surety, for such a sum as shall be fixed by the court, to indemnify and save harmless the person or persons in whose favor the decision was rendered from damages and costs which he or they may sustain in case the decision of said board is affirmed; provided, however, that the court shall not require the filing of such bond in an amount exceeding twenty-five thousand dollars in any appeal of a decision of said board granting a variance, exception, or other zoning relief with respect to any zoning regulation or amendment thereof, if the project for which such variance, exception, or other zoning relief was granted involves the construction, renovation, rehabilitation, or change in use of less than fifty thousand square feet of space. Upon an appeal under this section, the court shall hear all pertinent evidence and determine the facts, and upon the facts as so determined, annul such decision if found to exceed the authority of such board or make such other decree as justice and equity may require. The foregoing remedy shall be exclusive; but the parties shall have all rights of appeal as in other civil actions.

Costs shall not be allowed against said board of appeal unless it shall appear to the court that the board in making the decision appealed from acted with gross negligence, in bad faith or with malice; and costs shall not be allowed against the party appealing from the decision of the board unless it shall appear to the court that said party acted in bad faith or with malice in appealing to the court.

All issues in any proceeding under this section shall have precedence over all other civil actions and proceedings.

SECTION 12 (as amended by St. 1974, c. 669, s. 2 and St. 1994, c. 461, s. 2). The superior court department of the trial court or, in the event that the premises involved are used or intended or permitted for use as a place of human habitation, the housing court of the city of Boston sitting as aforesaid, shall have jurisdiction to enforce the provisions of this act, the provisions of the state building code, any zoning regulation or amendment adopted under this act, and any decision of the board of appeal under any zoning regulation or amendment adopted under this act, including any condition or proviso in such decision, and may restrain by injunction violation thereof.

SECTION 13. Chapter four hundred and eighty-eight of the acts of nineteen hundred and twenty-four, as amended, is hereby repealed.

SECTION 14 (as amended by St. 1957, c. 408, and St. 1964, c. 244). Sections one to twelve, inclusive, of this act shall take effect upon the acceptance of this act prior to June first, nineteen hundred and fifty-eight, by vote of the city council of the city of Boston, subject to the provisions of its charter, but not otherwise. Section thirteen of this act shall take effect at the same time as the zoning regulation originally dividing the city of Boston into districts under this act and establishing the regulations and restrictions to be enforced in said districts takes effect, provided, that the zoning regulation originally dividing the city of Boston into districts under this act and establishing the regulations and restrictions to be enforced in said district shall, after its adoption, be reported by the zoning commission to the general court by filing the same with the clerk of the senate and shall not take effect until December thirty-first, nineteen hundred and sixty-four.

SECTION 15 (as added by St. 1987, c. 371, s. 3). When used in sections fifteen through twenty, inclusive, terms, not otherwise defined, shall be defined in accordance with the definitions contained in the city of Boston zoning code in effect on the date of enactment hereof, unless the context requires otherwise and the following terms shall, unless the context requires otherwise, have the following meanings: --

"Affordable housing", a unit or units of housing, whether rental, condominium or cooperative, or a single or multi-family owner occupied home exclusively, for low and moderate income residents (i) for which the occupancy cost to the residents thereof does not exceed such percentage of the income of the occupant household as may be established from time to time for low and moderate income residents in the Boston area by the United States department of housing and urban development, as the maximum total tenant payment pursuant to section eight of the United States housing act of nineteen hundred and thirty-seven, as amended by the housing and community development act of nineteen hundred and seventy-four and as further amended from time to time, and regulations promulgated pursuant thereto, or (ii), as otherwise defined by the zoning commission through its adoption of the definition of any state or federal agency, authority, department or similar instrumentality providing financial assistance to reduce the occupancy cost of housing to low and moderate income residents.

"Affordable housing exaction", a contribution towards the creation of affordable housing by a developer whether in kind, or by the payment of a sum of money in lieu thereof by said developer to the neighborhood housing trust; or a combination of such creation and monetary payment; all made in accordance with regulations promulgated by the Boston zoning commission.

"Combined index", an index which measures the increase in price levels by combining in equal proportions the consumer price index for all urban consumers or "CPI-U" with a 1967 index of 100 and the housing component of said CPI-U for the Boston metropolitan area, as these indices are published from time to time by the bureau of labor statistics, United States department of labor.

"CPI-W", an index now known as the consumer price index for urban wage earners and clerical workers, all items, for the Boston metropolitan area with a 1967 index of 100 as published from time to time by the bureau of labor statistics, United States department of labor.

"Developer", the person or entity seeking to create one or more new large-scale commercial real estate developments in the city of Boston.

"Employment exaction", a contribution by a developer towards the creation of a job training program or programs whether by the creation of such program or the payment of a sum of money in lieu thereof by said developer to the neighborhood jobs trust; or a combination of such creation and monetary payment; all made in accordance with regulations promulgated by the Boston zoning commission.

"Job training programs", programs designed to enhance the ability of the participants to be qualified to successfully compete for employment opportunities including, without limitation, job training, adult literacy training, employment counseling and associated support services.

"Low and moderate income resident", a resident, or group of residents all of whom occupy the same dwelling unit as their principal residence, whose total income (i) is no greater than the percent of the median income for the Boston area set forth in or determined based upon regulations and definitions promulgated from time to time by the United States department of housing and urban development pursuant to section eight of the housing act of nineteen hundred and thirty-seven, as amended by the housing and community development act of nineteen hundred and seventy-four and as further amended from time to time, for lower income families or very low income families as defined in such regulations, or any combination thereof as determined by the zoning commission or (ii) is otherwise defined by the Boston zoning commission through its adoption of the definition of any state or federal agency, authority, department or similar instrumentality providing financing, subsidy or other financial assistance to reduce the occupancy cost of housing to low and moderate income residents.

"Neighborhood housing trust", a Massachusetts public charitable trust created under the authority of this act and the laws of the commonwealth and administered by the collector-treasurer of the city as managing trustee pursuant to chapter seven of the ordinance of the city of Boston of nineteen hundred and eighty-six and pursuant to a declaration of trust dated November nineteenth, nineteen hundred and eighty-five.

"Neighborhood jobs trust", a Massachusetts public charitable trust created under the authority of this act and the laws of the commonwealth and administered by the collector-treasurer of the city as managing trustee.

"New large-scale commercial real estate development", any development in the city of Boston in which development it is proposed to erect a building or structure having a gross floor area, exclusive in both cases of all accessory parking garage space, in excess of one hundred thousand square feet, or to enlarge or extend a building or structure so as to increase its gross floor area, exclusive of all accessory parking garage space in both cases, to more than one hundred thousand square feet or to substantially rehabilitate a building or structure or portion thereof having, or to have, after rehabilitation, a gross floor area, exclusive of all accessory parking garage space in both cases, of more than one hundred thousand square feet which square footage is intended for one or more of the following "exaction" uses: (1) office, (2) retail business or service, (3) institutional or educational, (4) hotel or motel, but not including an apartment hotel or lodging house.

"Substantially rehabilitated", to cause alterations or repairs to be made to a building or structure, constituting the new large-scale commercial real estate development, within any period of twelve months, costing in excess of fifty per cent of the assessed value of the building or structure as it appears on the assessment rolls of the city as of the first day of January preceding the date of application for the zoning relief to authorize such alterations or repairs, including, without limitation, conditional use permits, exceptions, zoning map or text amendments or variances, or the date of application for the building permit for such alterations or repairs, whichever is earlier.

SECTION 16 (as added by St. 1987, c. 371, s. 3). Notwithstanding the provisions of any general or special law or rule to the contrary, in the city of Boston the zoning commission is hereby authorized to adopt zoning regulations or amendments thereto for the purpose of mitigating the effects of any new large-scale commercial real estate development on the health and welfare of low and moderate income residents of Boston due to the unavailability of affordable housing in the city of Boston. Such regulations shall provide that, with respect to a new large-scale commercial real estate development, any relief granted under the provisions of the zoning code, existing or as amended, including without limitation the granting of a conditional use permit, exception, zoning map or text amendment or variance, shall be conditioned upon action, or promised action, by the developer seeking to obtain such relief to contribute an affordable housing exaction, to mitigate the effects which the new large-scale commercial real estate development project may have upon the availability of affordable housing within the city, which action shall be, the contribution towards the creation of affordable housing as determined by the zoning commission pursuant to duly adopted regulation. Affordable housing may be a portion of a housing development which includes residents of mixed income levels.

If the developer chooses to contribute towards the creation of housing in kind, in lieu of making the affordable housing exaction money payments provided for in this section, such affordable housing contribution shall be created in accordance with regulations adopted by the zoning commission which is hereby authorized to delegate

to the Boston redevelopment authority hereinafter referred to as BRA, the authority to adopt such housing creation regulations. Such regulations may authorize such contribution by the actual creation of affordable housing, or by the economic participation in such creation, including without limitation, the making of loans, contribution of capital to partnerships, limited partnerships, or joint ventures, or the assignment of the developers' contractual obligations to make the money payments provided for in this section. The economic benefit, if any, of the right to any repayment of such economic participation shall be redirected by the developer, pursuant to the provisions of the housing creation regulations, or, in the absence of such redirection, to the neighborhood housing trust.

The zoning commission shall determine by regulation that the value of the affordable housing exaction shall be measured on the basis of dollars per square foot devoted to exaction uses in excess of one hundred thousand square feet of gross floor area devoted to exaction uses, exclusive in both cases of all accessory parking garage space, in the new large-scale commercial real estate development project. The developer of any new large-scale commercial real estate development project, in lieu of contributing towards the creation of affordable housing referred to in the preceding paragraph, may make a payment or payments of an amount of money equal to the measured value of the affordable housing exaction to the neighborhood housing trust authorized by section twenty over a payment period to be established by regulation of the zoning commission, for the purpose of mitigating the impact of new large-scale commercial real estate developments.

Such regulations shall provide that the measured value of the affordable housing exaction shall be determined on the basis of a fixed dollar amount per square foot of gross floor area devoted to exaction uses in excess of one hundred thousand square feet of gross floor area devoted to exaction uses, exclusive in both cases of all accessory parking garage space, of the new large-scale commercial real estate development, as determined by the zoning commission upon written recommendations of the BRA, which recommendations shall include an analysis of the following: (1) economic trends, such as real estate development activity, commercial rents per square foot, employment growth and inflation rates; (2) housing trends measured in terms of vacancy rates for affordable housing available to low and moderate income residents, and production statistics for new dwelling units; and (3) any other such information which the BRA deems appropriate for consideration; provided, however, that the zoning commission shall be authorized to decrease the measured value of the above affordable housing exaction at any time upon consideration of the factors above; provided further, that the zoning commission shall not be authorized to set the measured value of the above affordable housing exaction at more than five dollars per square foot of gross floor area devoted to exaction uses in excess of one hundred thousand square feet devoted to exaction uses, exclusive in both cases of all accessory parking garage space; and, provided further, that three years after the effective date of this act and no more frequently than at three year intervals thereafter, the zoning commission is authorized to increase the measured value above such five

dollar maximum, but any such increase, expressed as a percentage increase of the then applicable maximum per square foot amount, shall not exceed the percent of the increase in the combined index for the prior thirty-six month period. No such increase shall apply to any new large-scale commercial real estate development for which an application for a conditional use permit, exception, zoning map or text amendment or variance has been filed with the appropriate governmental authority prior to the effective date of such increase or for which an application for a planned development area has been filed with the BRA prior to the effective date of such increase, whichever occurs first. The payment period for the affordable housing exaction shall be the payment period for the housing contribution grant or exaction as set forth in article 26A of the Boston zoning code as of November first, nineteen hundred and eighty-six and any such period shall not be altered by subsequent regulation. Any affordable housing exaction payment shall be made to the neighborhood housing trust, as created and administered pursuant to section twenty. The zoning commission is authorized to promulgate such regulations or rules as will effectuate the purposes of this section.

SECTION 17 (as added by St. 1987, c. 371, s. 3). Notwithstanding any provisions of general or special law or rule to the contrary, in the city of Boston the zoning commission is hereby authorized to adopt zoning regulations or amendments thereto for the purpose of mitigating the effects of any new large-scale commercial real estate development on the health and welfare of low and moderate income residents of the city of Boston due to the unavailability of employment opportunities for such low and moderate income residents of Boston. Such regulations shall provide that any relief granted under the provisions of the zoning code, existing or as amended, including without limitation the granting of a conditional use permit, exception, zoning map or text amendment or variance, shall be conditioned upon action, or promised action, by the developer seeking to obtain such relief to contribute an employment exaction to mitigate the effects which the new large-scale commercial real estate development project may have upon the availability of jobs for low and moderate income residents within the city, which action shall be the contribution towards the creation of job training programs for the training of low and moderate income residents of the city as determined by the zoning commission pursuant to duly adopted regulation.

The zoning commission shall determine by regulation that the value of an employment exaction shall be measured on the basis of dollars per square foot devoted to exaction uses in excess of one hundred thousand square feet of gross floor area devoted to exaction uses, exclusive in both cases of all accessory parking garage space, in the new large-scale commercial real estate development project. The developer of any new large-scale commercial real estate development project, in lieu of contributing towards the creation of the job training programs or similar activities projects referred to in the preceding paragraph, may make a payment or payments of an amount of money equal to the measured value of the employment exaction to the neighborhood jobs trust authorized by section twenty of this chapter

over a payment period to be established by regulation of the zoning commission, for the purpose of mitigating the impact of the new large-scale commercial real estate development project.

Such regulations shall provide that the measured value of the employment exaction shall be determined on the basis of a fixed dollar amount per square foot of gross floor area devoted to exaction uses in excess of one hundred thousand square feet devoted to exaction uses, exclusive in both cases of all accessory parking garage space, in the new large-scale commercial real estate development, as determined by the zoning commission upon written recommendations of the BRA, which recommendations shall include an analysis of the following: (1) economic trends, such as real estate development activity, commercial rents per square foot, employment growth and inflation rates; (2) employment trends such as unemployment rates and statistics on the availability and use of job training programs; and (3) any other such information which the BRA deems appropriate for consideration; provided, however, that the zoning commission shall be authorized to decrease the measured value of the above employment exaction at any time upon consideration of the factors above; provided, further, that the zoning commission shall not be authorized to set the value of the above employment exaction at more than one dollar per square foot of gross floor area devoted to exaction uses, exclusive in both cases of all accessory parking garage space, in excess of one hundred thousand square feet devoted to exaction uses; and, provided further, that three years after the effective date of this act and no more frequently than at three year intervals thereafter, the zoning commission is authorized to increase the measured value above such one dollar maximum, but any such increase, expressed as a percentage of the then applicable maximum per square foot amount, shall not exceed the percent of increase of CPI-W for the prior thirty-six month period. No such increase shall apply to any new large-scale commercial real estate development for which an application for a conditional use permit, exception, zoning map or text amendment or variance has been filed with the appropriate governmental authority prior to the effective date of such increase or for which an application for a planned development area has been filed with the BRA prior to the effective date of such increase, whichever occurs first. The payment period for the employment exaction shall be the payment period for the jobs contribution grant as set forth in article 26B of the Boston zoning code as of November first, nineteen hundred and eighty-six and shall not be altered by subsequent regulation. Any employment exaction shall be paid into the neighborhood jobs trust as created pursuant to section twenty of this chapter. The zoning commission is authorized to promulgate such regulations or rules, as will effectuate the purpose of this provision.

SECTION 18 (as added by St. 1987, c. 371, s. 3).

- (a) The zoning commission is further authorized to promulgate zoning regulations and amendments thereto for the purpose of mitigating the effects of any new large-scale commercial real estate development in the city of Boston on the availability of affordable housing or

employment opportunities for low and moderate income residents of Boston; provided, however, that such regulations may not be in force simultaneously with those authorized by sections sixteen and seventeen. Such regulations and amendments may provide that any relief granted under the provisions of the zoning code, existing or amended, including without limitation the granting of a conditional use permit, exception, zoning map or text amendment or variance, shall be conditioned upon action or promised action by the developer seeking to create such new large-scale commercial real estate development project or obtain such relief to mitigate the effects which the new large-scale commercial real estate development may have upon low and moderate income residents of the city as determined by the zoning commission pursuant to duly adopted regulations. Such regulations or amendments shall state the specific improvements or amenities to be provided as a condition required for the grant of zoning relief and the zoning relief to be granted.

- (b) Any such regulations and amendments must provide that (1) the present and future economic burden of any such improvements or amenities shall not exceed the sum of the present value of five dollars per square foot paid in equal and annual installments over a seven year period plus the present value of one dollar per square foot paid in equal and annual installments over a two year period, each commencing on the date of the issuance of the building permit, for each square foot of gross floor area devoted to exaction uses in excess of one hundred thousand square feet devoted to exaction uses, exclusive in both cases of all accessory parking garage space, in the new large-scale commercial real estate development; provided, however, that three years after the effective date of this act and no more frequently than at three year intervals thereafter, the zoning commission is authorized to increase the maximum per square foot amount but any such increase, expressed as a percentage of the then applicable maximum per square foot amount, shall not exceed the percent increase of the combined index for the prior thirty-six month period and (2) the developer seeking to create such new large-scale commercial real estate development shall have the right to make a cash payment equal to such economic burden to a fund designated in such regulations or amendments in lieu of providing any such improvements or amenities. The incorporation herein of a limitation upon the economic burden of any such condition which may be imposed or agreed upon shall not be construed as mandating the imposition of any particular condition.

SECTION 19 (as added by St. 1987, c. 371, s. 3). Notwithstanding any provision of general or special law or rule to the contrary, (a) articles 26, 26A and 26B

of the Boston zoning code; (b) all zoning code amendments, zoning map amendments, zoning variances, conditional use permits and zoning exceptions granted or enacted prior to the effective date of any zoning code amendment or zoning commission regulation pursuant to this act and in any way dependent upon, or related to, articles 26, 26A or 26B of the Boston zoning code, or any of them, which have not been appealed or challenged on the grounds of the invalidity of said articles, or any one of them, in judicial proceedings timely and properly commenced, prior to the enactment of this act or which have been so appealed or challenged in judicial proceedings which have been dismissed or otherwise adjudicated in favor of the developer prior to the enactment of this act; (c) all zoning code amendments, zoning map amendments, zoning variances, conditional use permits and zoning exceptions granted or enacted prior to the effective date of any zoning code amendment or zoning commission regulations pursuant to this act and in any way dependent upon or related to, articles 26, 26A or 26B of the Boston zoning code, or any of them, which have been appealed or challenged on the grounds of the invalidity of said articles, or any of them, in judicial proceedings timely and properly commenced prior to the enactment of this act and which have not been dismissed or otherwise adjudicated in favor of the developer prior to the enactment of this act; (d) any development impact project exactions, development impact project contributions and jobs contribution grants, as those terms are defined in said articles, and agreements for such exactions, contributions and grants related to or dependent upon any of the zoning actions described in clause (b) and (c); and (e) any additional actions, zoning variances, conditional use permits and zoning exceptions granted pursuant to, or in connection with, any development contemplated by any zoning map amendment, zoning code amendment or agreement described in clauses (b), (c) or (d), whether or not subsequent to the date of enactment of this act, are hereby ratified, validated and confirmed, insofar as any such amendments, variances, permits, exceptions, exactions, contributions, grants, agreements, and other actions may be invalid by reason of any invalidity of said articles or any of them. Any new large-scale commercial real estate development which is the subject of any agreement ratified, validated and confirmed by this section, and any additional actions, zoning variances, conditional use permits, zoning exceptions, and zoning code and text amendments ratified, validated and confirmed by this section, shall be governed by any such agreement and by the provisions of said articles 26, 26A and 26B, or any of them, pursuant to which said agreements were made, and shall not be subject to any zoning regulations or amendments hereafter adopted by the zoning commission pursuant to this act. Notwithstanding the foregoing, no new large-scale commercial real estate development shall be subject to the terms and provisions of sections 26-3(2)(c) of article 26, section 26A-3(2)(c) of article 26A or section 26B-3(1)(c) of article 26B of the Boston zoning code.

SECTION 20 (as added by St. 1987, c. 371, s. 3). Notwithstanding any general or special law or rule to the contrary, the city of Boston is hereby authorized to establish, by ordinance, separate funds, to be known as the neighborhood housing trust and the neighborhood jobs trust. Each such fund shall be held in trust by the

collector-treasurer under such terms as may heretofore or hereafter be prescribed by ordinance, subject to the approval of the mayor. Each fund shall consist of all payments heretofore or hereafter made by any developer pursuant to sections sixteen, seventeen, eighteen and nineteen other than contributions towards the creation of affordable housing as provided in section sixteen and any funds appropriated to such funds by the city for the purposes set forth in this act and in ordinances regulating such trusts for which appropriations are hereby authorized. Any payments made to such separate funds pursuant to the provisions of this act shall be impressed with the terms of the trusts established under the authority of this section and the ordinances adopted pursuant to this section, and shall be received by the collector-treasurer and deposited by him in a separate account; provided, however, that with respect to each new large-scale commercial real estate development, the total amount of all such payments to be made by a developer to such trusts shall first be accepted by the city council and approved by the mayor, which acceptance shall be deemed a final appropriation of said payments to such trusts. All payments to be made by a developer to such separate funds in respect to a particular new large-scale commercial real estate development shall thereupon and thereafter be deposited directly into such trusts and may thereafter be expended by the trustees of said trusts for the purposes authorized by this act, and for no other purpose. All such funds received, accepted or appropriated shall at all times be impressed with the terms of the trusts as defined by this act as regulated by ordinance and shall be dedicated exclusively to the development and operation of affordable housing for low and moderate income residents of Boston or to the development of job training programs for low and moderate income residents of Boston, and for no other purpose. Any trust or fund heretofore established by the city for either of the two purposes described in this act and now existing, and any ordinance passed for the purpose of authorizing the establishment of such trusts or funds passed prior to the effective date of this act including, without limitation, chapter seven of the ordinances of the city of Boston of nineteen hundred and eighty-six and declaration of trust of neighborhood housing trust dated November nineteenth, nineteen hundred and eighty-five and any actions taken by the trustees of said neighborhood housing trust or neighborhood jobs trust prior to the effective date of this act are hereby authorized, validated and confirmed.

Any payments made by a developer of a new large-scale commercial real estate development pursuant to chapter seven of the ordinances of the city of Boston of nineteen hundred and eighty-six and the declaration of trust of the neighborhood housing trust dated November nineteenth, nineteen hundred and eighty-five before the effective date of any amendment of said chapter or declaration of trust or of any trust or fund hereafter established by the city, in either case pursuant to this act, shall be governed by said chapter of the ordinances of nineteen hundred and eighty-six and said declaration of trust of November nineteenth, nineteen hundred and eighty-five, and shall not be subject to any trust or fund amendments or any new trust or fund hereafter established.

(Note: Chapter 665 of the Acts of 1956 was accepted by order passed by the City Council on May 19, 1958, and approved by the Mayor on May 22, 1958. The Boston Zoning Code was finally adopted by the Zoning Commission of the City of Boston on March 29, 1963 and became effective on December 31, 1964.)

ZONING REGULATION

ARTICLE 1

TITLE, PURPOSE AND SCOPE

SECTION 1-1. **Title.** This regulation shall be known and may be cited as the "Boston Zoning Code."

SECTION 1-2. **Purpose.** The purposes of this code are hereby declared to be: to promote the health, safety, convenience, morals and welfare of the inhabitants of the City; to encourage the most appropriate use of land throughout the City; to prevent overcrowding of land; to conserve the value of land and buildings; to lessen congestion in the streets; to avoid undue concentration of population; to provide adequate light and air; to secure safety from fire, panic and other dangers; to facilitate adequate provision for transportation, water, sewerage, schools, parks and other public requirements; and to preserve and increase the amenities of the City.

SECTION 1-3. **Scope.** In their interpretation and application, the provisions of this code shall not be construed to repeal, abrogate, annul or in any way impair or interfere with the provisions of other regulations, laws or ordinances except Chapter 488 of the Acts of 1924, as amended, which is repealed on the effective date of this code, or with provisions of private restrictions placed upon property by covenant, deed or other private agreement, or with provisions of restrictive covenants running with the land to which the City is a party. Where this code imposes a greater restriction than is imposed or required by any of the aforesaid provisions, the provisions of this code shall prevail.

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ARTICLE 2

DEFINITIONS*

*Note: For definitions applicable to Neighborhood Districts and to Article 80, see Article 2A.

SECTION 2-1. Meaning of Certain Words and Phrases. As used in this code, the following words and phrases shall have the meanings given in the following clauses, unless a contrary intention clearly appears:

(1) "Accessory building", a structure devoted exclusively to a use accessory to a main use of the lot.

(2) "Accessory use", a use customarily incident to, and on the same lot as, a main use.

↑(2AA) "Airport-related remote parking facility," a parking lot or parking garage from which transportation service is offered to airport premises.

(↑As inserted on November 21, 1996.)

↑(2A) "Amusement game machine", a machine, apparatus, device, or mechanism, by which entertainment requiring or involving participation therein or the use of skill therein by a player or patron is furnished for profit, including, but not exclusively, video games and pinball machines, and excluding pool tables, sippio tables, billiard tables, and bowling alleys. An amusement game machine may be, but need not be, controlled by a coin, token, or slug.

(↑As inserted on June 2, 1983)

(3) "Apartment hotel", a building primarily for persons who have their residence therein, containing four or more apartments which do not have kitchens.

↑(3A) "Art use", the creation, manufacture, or assemblage of visual art, including two- or three-dimensional works of fine art or craft, or other fine art objects created, manufactured, or assembled for the purpose of sale, display, commission, consignment, or trade by artists or artisans; or classes held for art instruction.

(↑As inserted on February 1, 1989)

↑(3B) "Artists' mixed-use", the use of all or a portion of a building for both art use and habitation.

(↑As inserted on February 1, 1989)

↓(3C) "Bank, drive-in", a bank which provides, as all or part of its services, one or more teller's windows for the use of persons while seated in motor vehicles.

(↓As inserted on November 30, 1973, and amended on April 11, 1979 and February 1, 1989)

↓(3D) "Basement", that portion of a building which is more than thirty-five percent (35%) of the height of the story below grade.

(↓As inserted on September 23, 1987, and amended on February 1 and March 30, 1989)

↓(3E) "Bay window", a fenestrated projection from the face of a building entirely contained within the following dimensions: (a) depth not to exceed five feet, (b) width not to exceed eighteen feet or seventy percent of the width of the building, whichever is the lesser, and (c) each side to form an angle with the face of the building of not less than one hundred thirty-five degrees. (Illustrated in Appendix 2.)

(↓As amended on February 17, 1971, November 30, 1973, September 23, 1987, and February 1, 1989)

(4) "Block", the lot or lots fronting on the same side of the same street between two streets intersecting such street on such side with no other such intersecting street intervening.

(5) "Board of Appeal", the Board of Appeal in the Building Department of the City.

↓(6) "Boarding house", any dwelling (other than a hotel, motel, apartment hotel, dormitory, fraternity or sorority house) in which board is provided to five or more persons who are not within the second degree of kinship.

(↓As amended on February 3, 1966)

(7) "Building", a structure forming a shelter for persons, animals or property and having a roof, exclusive, however, of such frameworks and tents as are customarily used exclusively for outdoor carnivals, lawn parties, or like activities. Where the context allows, the word "building" shall be construed as though followed by the words "or part thereof".

↓(7A) "Building line", the line in conformity with the alignment of existing buildings in the same block, at a distance from the street line equal to the yard depth occurring most frequently on that block, as measured by lot widths along the street line. The distance from the street line to the building line shall be calculated in accordance with the method described in Section 18-2.

(↑As inserted on April 12, 1987)

↓(8) "Building Commissioner", the Building Commissioner, or successor, including but not limited to the Commissioner of Inspectional Services, of the City.

(↑As amended on October 12, 1988)

↓(8A) "Check cashing business," an establishment offering cash in exchange for checks, money orders, or the like, where the transaction involves a fee or an exchange at other than face value and is not principally in payment for the purchase of goods or services. "Check cashing business" does not include a bank or automatic teller machine.

(↑As inserted on October 6, 1994)

(9) "City", the City of Boston.

(10) "Clinic", a place for the medical or similar examination and treatment of persons as outpatients.

(11) "Commission", the Zoning Commission of the City.

↓(11A) "Container redemption center," a facility that is registered with the Massachusetts Department of Environmental Protection, Bureau of Waste Prevention, Division of Solid Waste Management, or any successor agency thereto, as a facility for the redemption of beverage containers subject to deposit.

(↑As inserted on September 30, 1993)

↓(11B) "Day care center", any facility operated on a regular basis whether known as a day nursery, nursery school, kindergarten, child play school, progressive school, child development center, or preschool, or known under any other name, which receives children not of common parentage under seven years of age, or children under sixteen years of age if such children are children with special needs as defined in Massachusetts General Laws, Chapter 28A, Section 9, for nonresidential custody and care during part or all of the day separate from their parents. Day care center shall not include: any part of a public school system; any part of a private, organized educational system, unless the services of such system are primarily limited to kindergarten, nursery, or related preschool services; a Sunday school conducted by a religious institution; a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services; a family day care home; an informal cooperative arrangement among neighbors or relatives; or the occasional care of children with or without compensation therefor.

(↑As inserted on October 12, 1988)

¶(11C) "Dormitory", any dwelling (other than a fraternity or sorority house) occupied primarily as a place of temporary abode by persons attending education institutions.

(¶As inserted on February 3, 1966, and amended on October 12, 1988)

(12) "Dwelling", a building or structure used in whole or in part for human habitation.

(13) "Dwelling, detached", a dwelling which is designed to be and is substantially separate from any other structure or structures except accessory buildings.

(14) "Dwelling, multi-family", a building containing three or more dwelling units, but not including a motel.

(15) "Dwelling, semi-detached", a dwelling having a party wall in common with another dwelling but which otherwise is designed to be and is substantially separate from any other structure or structures except accessory buildings.

¶(16) "Dwelling unit", a room or group of rooms forming a habitable unit for one family, or one group residence limited as defined in clause (22B) of this Section 2-1, with facilities used or intended to be used for living, sleeping, cooking and eating; but not including any use contained in artists' mixed-use space as defined in clause (3B).

(¶As amended on February 1, 1989 and February 22, 1991)

(17) "Erect", to construct or reconstruct or excavate, fill, drain, or conduct physical operations of any kind in preparation for or in pursuance of construction or reconstruction, or to move a building or structure upon a lot.

(18) "Extend", to increase in area or volume.

¶(19) "Family", one or more persons occupying a dwelling unit and living as a single, non-profit housekeeping unit, provided that a group of five or more persons who are not within the second degree of kinship shall not be deemed to constitute a family, except that a group residence, limited, as defined in clause (22B) of this Section 2-1 shall be deemed a family.

(¶As amended on February 22, 1991)

¶(19A) "Family day care home", any dwelling unit which on a regular basis receives, for temporary custody and care during part or all of the day, children under seven years of age, or children under sixteen years of age if such children are children with special needs as defined in Massachusetts General Laws, Chapter 28A, Section 9; provided, however, in either case, that the total number of children under

sixteen in a family day care home shall not exceed six, including participating children living in the dwelling unit. Family day care home shall not mean a dwelling unit used for an informal cooperative arrangement among neighbors or relatives, or the occasional care of children with or without compensation therefor.

(↑As inserted on October 12, 1988)

(20) "Floor area ratio", the ratio of gross floor area of a structure to the total area of the lot.

↓(21) "Floor area, gross", the sum of areas of the several floors of the structure, as measured by the exterior faces of the walls, including fully enclosed porches and the like as measured by the exterior limits thereof, but excluding (a) garage space which is in the basement of a building or, in the case of garage space accessory to a dwelling, is at grade, (b) basement and cellar areas devoted exclusively to uses accessory to the operation of the structure, and (c) areas elsewhere in the structure devoted to housing mechanical equipment customarily located in the basement or cellar such as heating and air conditioning equipment, plumbing, electrical equipment, laundry facilities and storage facilities, provided, however, that in an H-2-45, H-2-65, H-3-65, L-2-65 or B-3-65 district no area in an existing structure previously included in gross floor area and no area in any addition to an existing structure, except areas not used or designed to be used for human occupancy, such as attics, basements, cellars or space under sloping eaves, shall be excludable from gross floor area as area for storage facilities or laundry facilities.

(↑As amended on September 27, 1973, March 5, 1980, October 31, 1980, and June 16, 1982)

↓(22) "Grade", the average elevation of the nearest sidewalk at the line of the street or streets on which the building abuts, except as otherwise provided in Section 16-8 as such section pertains to the restricted roof structure district in the North End, or in the case of a building not abutting on a street, the average elevation of the ground between the building and the lot line or a line twenty (20) feet from the building, whichever is nearer; but in no event shall the average elevation of such ground be taken to be more than five (5) feet above or below the average elevation of the ground immediately contiguous to the building.

(↑As amended on September 23, 1987 and March 30, 1989)

↓(22A) "Group care residence, general", premises for the residential care or supervision (but not including custodial care) of ex-alcoholics, ex-drug addicts, pre-release or post-release convicts or juveniles under seventeen years of age who are under the care of correctional agencies of the Commonwealth, but not including the residential care of mentally ill, mentally retarded, or physically handicapped

persons if such care is licensed, regulated or operated by the Commonwealth of Massachusetts or operated by a vendor under contract with the Commonwealth.

(↑ As inserted on November 9, 1978)

↑(22B) "Group residence, limited", premises licensed, regulated, or operated by the Commonwealth of Massachusetts or operated by a vendor under contract with the Commonwealth for the residential living, care, or supervision in any single dwelling unit of five or more mentally ill or mentally retarded persons or persons with disabilities.

(↑ As inserted on August 10, 1979, and amended on February 22, 1991)

↑(23) "Height of building", the vertical distance from grade to the top of the highest point of the roof beams of a flat roof, or the mean level of the highest gable or of the slope of a hip roof, excluding roof structures and penthouses normally built above the roof and not used or designed to be used for human occupancy, provided that the total area of such roof structures and penthouses does not exceed 33-1/3 percent of the roof area; except that, for any Proposed Project that (a) is subject to Article 31 and (b) is within a downtown district established under Section 3-1C, "height of building" means the vertical distance from grade to the top of the structure of the last occupied floor. A mansard roof shall be considered a flat roof.

(↑ As amended on July 9, 1973, September 23, 1987, and June 23, 1989)

↑(24) "Hotel", a building (other than a dormitory) containing four or more apartments without kitchens, or containing sleeping accommodations for ten or more persons, primarily the temporary abode of persons who have their residences elsewhere.

(↑ As amended on February 3, 1966)

↑(24A) "Inspectional Services, or Inspectional Services Department, Commissioner of": See clause (8).

(↑ As inserted on October 12, 1988)

↑(24AA) "Institutional Master Plan Review", the review described as Institutional Master Plan Review in Section 80D-1.

(↑ As inserted on May 9, 1996.)

↑(24AAA) "Large Project Review", the review described as Large Project Review in Section 80B-1.

(↑ As inserted on May 9, 1996.)

↓(25) "Lodging house", any dwelling (other than a boarding house, dormitory, fraternity, sorority house, hotel, motel or apartment hotel) in which living space, without kitchen facilities, is let to five or more persons who are not within the second degree of kinship.

(↓As amended on February 3, 1966)

↓(26) "Lot", a parcel of land including land under water, whether or not platted, in single ownership, and not divided by a street.

(↓As amended on April 14, 1967)

(27) "Lot area", the horizontal area of the lot exclusive (a) of any area in a street or private way open to public use, and (b) of any fresh-water area more than ten feet from the shoreline, and (c) of any salt-water area below the mean high-tide line.

(28) "Lot, corner", a lot with boundaries abutting on, and meeting at the intersection of, two streets when the lines of such boundaries form within such lot at such intersection an angle of not more than 135 degrees. In the case of a curved boundary, the tangent to such curved boundary at its point of intersection with another boundary of the lot shall be deemed to be the line of such boundary for the purposes of this definition.

↓(29) "Lot, depth", the horizontal distance between the front and rear lot lines measured by the length, within the lot, of a straight line connecting the midpoint of a straight line between the foremost points of the side lot lines with the midpoint of a straight line between the rearmost points of the side lot lines.

(↓As amended on April 14, 1967)

(30) "Lot line, front", the line separating the lot from the street. The owner of a lot abutting on two or more streets may designate as the front lot line whichever of the two widest streets he chooses.

(31) "Lot line, rear", the line which most nearly qualifies as the line most distant and opposite from the front lot line; where the lot is irregularly shaped, a line perpendicular to the mean direction of the side lot lines, and at least ten feet in length within the lot.

↓(32) "Lot width", the shortest horizontal distance between the side lot lines measured perpendicular to the mean direction of two straight lines, one between the foremost and rearmost points of one side lot line, and the other between the foremost and rearmost points of the other side lot line.

(↓As amended on April 14, 1967)

↓(32A) "Mansard roof", a sloping roof having a pitch of more than sixty (60) degrees to the horizontal. The floor under a mansard roof shall be considered a story as defined in clause (42).

(↓As inserted on September 23, 1987)

↓(32B) "Maritime-dependent industrial uses", marine terminals and related structures for the transfer between ship and shore of goods and/or passengers transported in waterborne commerce; facilities associated with marine terminals for the storage of goods transported in waterborne commerce; manufacturing facilities relying on the bulk receipt of shipments of goods by waterborne commerce; wharves, piers, docks, and processing and storage facilities for the commercial fishing industry; dry docks and other facilities related to the construction, servicing, storage, maintenance, or repair of vessels and other marine structures; and other docks, piers, wharves, berths, dolphins, or mooring facilities for tow boats, barges, dredges, ferries, commuter boats, water buses, water taxis, or other vessels engaged in waterborne commerce, port operations, or marine construction. MER districts contain, or are adjacent to, (a) navigable channels of 12 feet or more in depth at mean low tide; or (b) tidelands and associated lands abutting such channels that by their topography, size, and relationship to residential neighborhoods are suited for maritime-dependent industrial use. Where an area is being used or, within the five (5) years prior to the establishment of the MER district in this code, has been used for a maritime-dependent industrial use, this requirement is deemed to have been met.

(↓As inserted on August 30, 1988)

↓(32C) "Mobile home", a dwelling, other than a recreational vehicle, that is transportable in one or more sections, built on a permanent chassis, and designed to be used with or without a permanent foundation.

(↓As inserted on March 26, 1982, and amended on September 23, 1987 and August 30, 1988)

↓(32D) "Mobile home park", a parking space for two or more mobile homes used as dwellings.

(↓As inserted on June 29, 1984, and amended on September 23, 1987 and August 30, 1988)

(33) "Motel", a hotel primarily for transients travelling by automobile, with a parking space on the lot for each lodging unit, and with access to each such unit directly from the outside.

↓(33A) "Neighborhood Council", any neighborhood-based council established by the Mayor to render advice to neighborhood residents, the Mayor, city departments,

and the Boston Redevelopment Authority regarding any municipal issues of neighborhood concern.

(↑ As inserted on February 1, 1989)

(34) "Nonconforming use", a use of a structure or lot that does not conform to a regulation prescribed by this code for the district in which is it located; provided that such use was lawfully in existence on the effective date of this code or, in the case of a use made nonconforming by an amendment of this code, on the effective date of such amendment.

(35) "Occupied", shall include the words "designed, arranged, or intended to be occupied".

(36) "Parapet line", a horizontal line at the mean height of the wall of the building nearest to, and substantially parallel with, the lot line from which a setback is being measured.

↑(36AA) "Planned Development Area Review", the review described as Planned Development Area Review in Section 80C-1.

(↑ As inserted on May 9, 1996)

↑(36A) "Planning and Zoning Advisory Committee", any neighborhood-based committee appointed by the Mayor to render advice to neighborhood residents, the Mayor, city departments, and the Boston Redevelopment Authority regarding land use planning and zoning issues.

(↑ As inserted on February 1, 1989)

(37) "Public open space", an open space in public ownership devoted or to be devoted to a public use with only minor accessory buildings, if any. No structure that exceeds twenty feet in height or two thousand square feet in gross floor area shall be considered to be a part of such public open space. "Public open space" shall be construed to include a street.

(38) "Restricted, more, and less", a use district is "more restricted" if it is listed earlier in Section 3-1 and "less restricted" if listed later in said section.

↑(38A) "Rounding numbers, rule for", when a decimal must be rounded to the nearest whole number, as in the case of off-street parking requirements, or to the nearest foot, under Section 18-2 (as most recently amended on October 22, 1974), and when the only digit dropped is .5, then if the last digit retained is an even number, it shall be left unchanged; but if the last digit retained is an odd number, it shall be increased to the next higher digit. In the case of rounding to the nearest half foot

under Section 18-2 (as most recently amended on October 22, 1974), if the only digits dropped are .25, the preceding digit shall be left unchanged; but if the only digits dropped are .75, the preceding digit shall be raised to the next higher number.

(↑As inserted on November 27, 1974)

↑(38B) "Row house", one of a group of three or more houses sharing a common or party wall on one or both side lot lines.

(↑As inserted on July 9, 1973, and November 27, 1974)

↑(38C) "School", buildings, premises and parts thereof in which a regular course of public or private instruction is given.

(↑As inserted on April 11, 1979)

(39) "Shall", shall be considered mandatory and not directory.

↑(40) "Sign", any structure, device, light, letter, word, model, banner, pennant, insignia, trade flag, or representation which is designed to be seen from outside a building and which advertises or announces a use conducted or goods, products, services or facilities available, including electric signs in windows or doors, but excluding window displays of merchandise and signs incidental to the display of merchandise.

(↑As amended on December 18, 1972)

(41) "Sign, area of":

- (a) For a sign, either free-standing or attached, the area shall be considered to include all lettering, wording, and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed, but not including any supporting framework and bracing which are incidental to the display itself.
- (b) For a sign painted upon or applied to a building, the area shall be considered to include all lettering, wording and accompanying designs or symbols together with any background of a different color than the natural color of the building.
- ↑(c) Where the sign consists of individual letters or symbols attached to or painted on a surface, building, canopy, awning, wall or window, the area shall be considered to be that of the smallest

rectangle or other geometric shape which encompasses all of the letters or symbols.

(↕ As amended on December 18, 1972)

↕(d) Only one face of a two-faced sign shall be counted in computing the area of a sign, or the total area of signs on a sign frontage or on a lot.

(↕ As inserted on December 18, 1972, and amended on June 7, 1974)

↕(41A) "Sign, awning", a sign on or attached to a temporary retractable shelter which is supported entirely from the exterior wall of a building.

↕(41B) "Sign, canopy", a sign on or attached to a permanent overhanging shelter which projects from the face of a building and is supported only partially by said building.

↕(41C) "Sign design, comprehensive", a plan submitted to the Urban Design Department of the Boston Redevelopment Authority for signs and related architectural features on a sign frontage, a building front or a group of buildings.

↕(41D) "Sign frontage", the length along a ground floor building front, facing a street or a private way accessible from a street, which is occupied by a separate and distinct use, as defined by Article 8; the length along a ground floor building side facing a street, which is occupied by a separate and distinct use or by the same use which occupies the front of said building.

(↕ As inserted on April 11, 1973)

↕(41E) "Sign, marquee", a sign on or attached to a permanent overhanging shelter which projects from the face of a building and is entirely supported by said building.

(↕ As inserted on April 11, 1973)

↕(41F) "Sign, off-premise", a sign which advertises or announces a use conducted or goods available elsewhere than on the lot on which the sign is located.

(↕ As inserted on April 11, 1973)

↕(41G) "Sign, on-premise", a sign which advertises or announces a use conducted or goods available on the lot on which the sign is located.

(↕ As inserted on April 11, 1973)

↕(41H) "Small Project Review", the review described in Section 80E-1.

(↕As inserted on May 9, 1996)

↕(42) "Story", that portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above, except that a space used exclusively for the housing above the roof of mechanical equipment of the building shall not be considered to be a story if access to such space may be had only for maintenance of such equipment.

(↕As amended on September 23, 1987 and March 30, 1989)

↕(43) ("Story above grade", inserted on September 23, 1987, and deleted on March 30, 1989.)

↕(43A) "Story, first", the lowest story of which sixty-five percent (65%) or more of the height is above grade.

(↕As amended on September 23, 1987 and March 30, 1989)

↕(43B) "Story, half", a story used or designed to be used for human occupancy that has a floor area measured four (4) feet vertically from the floor of not more than one-half (1/2) the area of the floor next below and in which the ceiling area or plane, measured at a height of seven and one-third (7-1/3) feet above the floor, is a minimum of one-third (1/3) the area of the floor.

(↕As inserted on September 23, 1987)

(44) "Street", a public way, alley, lane, court, sidewalk and such parts of public squares and public places as form travelled parts of highways.

(45) "Street line", the line separating a street from a lot.

(46) "Structure", a combination of materials assembled at a fixed location to give support or shelter, such as a building, bridge, trestle, tower, framework, retaining wall, tank, tunnel, tent, stadium, reviewing stand, platform, bin, fence, sign, flagpole, or the like. The word "structure" shall be construed, where the context allows, as though followed by the words "or part thereof".

(47) ("Trailer park", deleted June 29, 1984; see 32B "Mobile home park".)

↕(48) "Usable open space", space suitable for recreation, swimming pool, tennis court, gardens, or household service activities, such as clothes drying. Such space must be at least seventy-five percent open to the sky, free of automotive traffic, parking, and undue hazard, and readily accessible by all those for whom it is required.

(↑ As amended on April 14, 1967)

(49) "Use", as a verb, shall be construed as if followed by the words "or is intended, arranged, designed, built, altered, converted, rented or leased to be used".

(50) "Yard, front", an open space extending across the full width of the lot and lying between the front lot line and the nearest building.

(51) "Yard, rear", an open space immediately behind the rearmost main building on the lot and extending across the full width of the lot.

(52) "Yard, side", an open space along the side line of a lot, extending from the front yard line to the rear yard line; in the case of a side yard abutting on a street, extending to the rear lot line.

↑ SECTION 2-2. **Other Words and Phrases.** Words and phrases not defined in Section 2-1 but defined in the Commonwealth of Massachusetts State Building Code shall have the meanings given in the Commonwealth of Massachusetts State Building Code unless a contrary intention clearly appears.

(↑ As amended on April 11, 1979)

SECTION 2-3. **Rules of Construction.** Words importing the singular shall include the plural; and words importing the plural shall include the singular.

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↑ARTICLE 2A

DEFINITIONS APPLICABLE IN NEIGHBORHOOD DISTRICTS and in

ARTICLE 80, DEVELOPMENT REVIEW AND APPROVAL

(↑Article inserted on February 16, 1993*)

↑SECTION 2A-1. **Meaning of Certain Words and Phrases.** As used in articles of this Code specified in this Section 2A-1, the following words and phrases shall have the meanings given in the following clauses, unless a different meaning is specified within such article. This Article 2A shall apply to Neighborhood Districts as established pursuant to Section 3-1B of this Code, except the Port Norfolk Neighborhood District, and to Article 80, Development Review and Approval.

(↑As amended on May 9, 1996.)

"Accessible" or **"Accessible to Physically Handicapped Persons"** shall be as defined in Chapter 521 of the Code of Massachusetts Regulations, as amended.

"Accessory Building", a structure devoted exclusively to a use accessory to a main use of the lot.

"Accessory Clinic or Office for Hospital", clinic or professional offices accessory to a hospital whether or not on the same lot.

"Accessory Drive-through Restaurant", subject to the provisions of Article 10, a use wholly incidental to a restaurant, with a vehicular queuing lane and a window where customers place orders or receive services, or both, while seated in a vehicle.

"Accessory Drive-through Retail", subject to the provisions of Article 10, a use wholly incidental to a local retail business establishment, with a vehicular queuing lane and a window where patrons place orders or receive services, or both, while seated in a vehicle.

"Accessory Home Occupation", subject to the provisions of Article 10, an occupation for profit customarily carried on in a dwelling unit by a person residing therein. Such occupation shall be carried on in a main building, require only equipment ordinarily incident to a dwelling unit, not require nonresident help, and not involve trading in merchandise. Home occupations include, but shall not be limited to,

(*Article 2A was originally inserted on April 22, 1991 and was replaced in its entirety on November 13, 1991 and February 16, 1993.)

sewing, piano lessons, tutoring, and similar uses which are clearly incidental to the dwelling for dwelling purposes and do not change the character thereof.

"Accessory Industrial Use", subject to the provisions of Article 10, any nonresidential accessory use lawful in a Manufacturing Subdistrict, provided that such use is so carried on as not to be either a hazard to the health or safety of persons on any adjacent lot or a nuisance.

"Accessory Keeping of Animals", subject to the provisions of Article 10, the keeping of horses, cows, goats, poultry, pigeons, rabbits, bees, or similar animals other than pigs.

"Accessory Keeping of Laboratory Animals", subject to the provisions of Article 10, the keeping of laboratory animals incidental to an educational, institutional, or research and development use.

"Accessory Manufacture of Products", subject to the provisions of Article 10, the manufacture, assembly, or packaging of products sold on the lot.

"Accessory Office of University", subject to the provisions of Article 10, office accessory to a University which is not on the same lot as the University.

"Accessory Parking", subject to the provisions of Article 10, a garage or parking space for occupants, employees, customers, students, and visitors of a lawful use, provided that, in the case of a lot lying in two or more districts or subdistricts, such parking is accessory to a use that is lawful in the district or subdistrict in which such parking is located.

"Accessory Personnel Quarters", subject to the provisions of Article 10, permanent dwellings for personnel required to reside on a lot for the safe and proper operation of a lawful main use of such lot.

↕ **"Accessory Professional Office,"** subject to the provisions of Article 10, an office, within a main building, of a professional person (whether or not requiring a professional license) who resides in such building, provided that nonresident assistants do not exceed; one in a 1F subdistrict, two in a 2F, 3D, 3F, or Row House subdistrict, or three in a MFR or MFR/LS subdistrict.

(↕ As amended on July 27, 1993)

"Accessory Scientific Laboratory", a scientific laboratory accessory to an elementary or secondary school, university, hospital, or custodial care facility, whether or not on the same lot, provided that all resulting cinders, dust, flashing, fumes, gases, odors, refuse matter, smoke, and vapor are effectively confined to the lot or so

disposed of as not to be a nuisance or hazard to health or safety; and provided also that no noise or vibration is perceptible without instruments more than fifty (50) feet from the lot or any part of the lot.

"Accessory Services for Apartment and Hotel Residents", subject to the provisions of Article 10, in buildings with more than fifty dwelling units, and in hotels with more than fifty (50) sleeping rooms, newsstand, barber shop, dining room, and similar services primarily for the occupants thereof, when conducted wholly within the building and entered solely from within the building.

"Accessory Services Incidental to Educational Uses", subject to the provisions of Article 10, in educational institutions with more than four hundred (400) full-time students, incidental uses and services ordinarily found in connection therewith and primarily for the staff, students, and faculty, when conducted wholly within a building.

"Accessory Services Incidental to Hospitals", subject to the provisions of Article 10, in hospitals with more than fifty (50) beds, incidental uses and services ordinarily found in connection therewith and primarily for patients or staff, when conducted wholly within a building.

"Accessory Truck or Bus Servicing or Storage", yard for storing or servicing trucks or buses accessory to a repair garage, gasoline station, carwash, or other use.

"Accessory Use", a use customarily incident to, and on the same lot as, a main use.

Subject to the provisions of Article 10, including but not limited to, any of the following, when not a main use: not more than four (4) accessory amusement game machines in a commercial establishment or in a noncommercial establishment, accessory art use, accessory drive-through restaurant, accessory drive-through retail, accessory family day care home, accessory home occupation, accessory industrial use, accessory keeping of animals, accessory keeping of laboratory animals, accessory manufacture of products, accessory outdoor cafe, accessory parking, accessory personnel quarters, accessory professional office in a dwelling, accessory repair garage, accessory services for apartment or hotel residents, accessory services incidental to educational uses or hospitals, accessory storage of flammable liquids incidental to lawful use, accessory swimming pool or tennis court, accessory wholesale business, or accessory use ordinarily incidental to a lawful main use.

Not subject to the provisions of Article 10, and whether or not on the same lot as the main use to which it is related, uses including but not limited to any of the following: accessory clinic or offices for hospitals, accessory dormitory, accessory

machine shop, accessory offices for university, accessory railroad storage yard, accessory scientific laboratory, or accessory truck or bus servicing.

"Adjusted Income" is defined as it is in 24 CFR Section 813.102 (1986), as amended, or as set forth in regulations adopted in accordance with a neighborhood district article.

"Adult Bookstore" a shop for the barter, rental, or sale of printed matter, pictures, or motion picture film, if such shop is not open to the public generally but only to one or more classes of the public excluding any minor by reason of age, or if such shop keeps a part of such stock segregated as available to only one or more classes of the public excluding any minor by reason of age; or a shop for the barter, rental, or sale of printed matter, pictures, or motion picture film bearing a legend restricting it to adults only or to one or more classes of the public excluding any minor by reason of age.

"Adult Entertainment", any of the uses listed under "Cultural Uses", "Entertainment", or "Retail Uses" if such establishment is customarily not open to the public generally but only to one or more classes of the public excluding any minor by reason of age.

"Affordable Housing", either an owner-occupied dwelling unit, requiring the expenditure by a low-income or moderate-income household for mortgage and insurance payments, real estate taxes, and condominium fees of not more than thirty-two percent (32%) (or such other percentage set by the Massachusetts Housing Finance Agency for the purpose of defining affordability) of its Adjusted Income to occupy the unit; or a renter-occupied dwelling unit, requiring the expenditure by a low-income or moderate-income household for rent payments of not more than thirty-two percent (32%) of its adjusted income (or the percentage set by the Massachusetts Housing Finance Agency).

↕ **"Agency or Professional Office"**, any room, studio, clinic, office or suite wherein the primary use is the conduct of business by professional persons, whether or not requiring professional license, such as attorneys, physicians, architects, insurance agents, professional managers and agents, consultants, writers, and the like.

(↕ As amended on July 27, 1993)

"Airport Use," means the operation of an airport and includes all subuses located on airport premises and generally associated with and related to the operation of an airport. Such subuses may include, but are not limited to: runways; access roads; flight control and meteorological facilities; vehicle maintenance, storage,

parking, and rental facilities; cargo and baggage sorting, handling, and storage facilities; passenger terminals; offices; restaurants, retail stores; and hotels.

↑**"Airport-Related Remote Parking Facility"**, a parking lot or parking garage from which transportation service is offered to airport premises.

(↑As inserted on November 21, 1996.)

"Amusement Game Machine", a machine, apparatus, device, or mechanism, by which entertainment requiring or involving participation therein or the use of skill therein by a player or patron is furnished for profit, including, but not exclusively, video games and pinball machines, and excluding pool tables, sippio tables, billiard tables, and bowling alleys. An amusement game machine may be, but need not be, controlled by a coin, token, or slug.

"Amusement Game Machines in Commercial Establishment", the maintenance and operation of more than four (4) mechanical, electronic, and/or coin-operated games and/or devices in a commercial establishment for the amusement of the general public.

"Amusement Game Machines in Noncommercial Establishment", the maintenance and operation of more than four (4) mechanical, electronic, and/or coin-operated amusement game machines in a private club, dormitory, fraternity house, or similar noncommercial establishment.

"Ancillary Use", auxiliary, assisting. Any use on a lot adjacent to, or across the street from, but in the same district as, a lawful use to which it is ancillary and ordinarily incident and for which it would be a lawful accessory use if it were on the same lot; and any such use on such a lot in another district or subdistrict unless such use is a use specifically forbidden in such other district or subdistrict.

"Animal Hospital", a clinic or hospital, with or without outside runs, for the diagnosis, treatment, or hospitalization of household pets.

"Annual Income" is defined as it is in 24 CFR Section 813.106 (1986), as amended, or as set forth in regulations adopted in accordance with a neighborhood district article.

"Apartment Hotel", a building primarily for persons who have their residence therein, containing four or more apartments which do not have kitchens.

"Applicable Institutional Master Plan" or **"Applicable IMP,"** with respect to a Proposed Institutional Project, means an Institutional Master Plan of the proponent of such Proposed Institutional Project approved by the Boston Redevelopment Authority

and the Zoning Commission in accordance with applicable provisions of the code, and covering the project location.

↕ **"Applicant"**, any person or entity having a legal or equitable interest in a Proposed Project subject to the provisions of this Code, or the authorized agent of any such person or entity.

(↕ As amended on May 9, 1996.)

"Art Use", the creation, manufacture, or assemblage of visual art, including two- or three-dimensional works of fine art or craft, or other fine art objects created, manufactured, or assembled for the purpose of sale, display, commission, consignment, or trade by artists or artisans; or classes held for art instruction.

"Artists' Mixed-Use", the use of all or a portion of a building for both art use and habitation.

↕ **"Authority"**, the Boston Redevelopment Authority.

(↕ As inserted on May 9, 1996.)

"Automatic Telephone Exchange", a nonattended telephone switching or transmitting service.

"Automatic Teller Machine", a machine accessible to banking customers by means of a coded celluloid card or other similar device which permits limited automated consumer banking transactions, such as deposits, cash withdrawals, balance inquiries, and the purchase of travelers checks.

"Back Office", the use of a structure or land principally for clerical, data processing, or support staff functions and related services and occupations.

"Bakery", a place where baked goods are made or sold for off-premises consumption.

"Bank", a facility for the extension of credit and the custody, loan, or exchange of money, without a drive-in window.

"Bank, Drive-in", a bank which provides, as all or part of its services, one or more teller's windows for the use of persons while seated in motor vehicles.

"Banking and Postal Uses", automatic teller machine; bank; drive-in bank; or post office.

"Bar", an establishment devoted primarily to the retailing and on-premises drinking of alcoholic beverages. Such establishment may or may not serve food, and may or may not include dancing or entertainment.

"Barber Shop or Beauty Shop", a barber shop, beauty shop, or other facility where haircutting, hairdressing, shearing, facials, manicures, or related services are performed.

"Basement", that portion of a building which is more than thirty-five percent (35%) of the height of the story below grade.

"Bay Window", a fenestrated projection from the face of a building entirely contained within the following dimensions: (a) depth not to exceed five feet, (b) width not to exceed eighteen feet or seventy percent of the width of the building, whichever is the lesser, and (c) each side to form an angle with the face of the building of not less than one hundred thirty-five degrees. (Illustrated in Appendix 2 of this Code.)

"Bed and Breakfast", any owner-occupied dwelling unit in which three or fewer rooms or apartments without kitchen facilities are let on an overnight basis, primarily the temporary abode of persons who have their residence elsewhere, provided that food and beverage service is limited to breakfast for registered paying overnight guests at no additional cost, that there are no exterior signs, that there are no retail sales on premises, and that the length of occupancy does not exceed fourteen days.

"Block", the lot or lots fronting on the same side of the same street between two streets intersecting such street on such side with no other such intersecting street intervening.

"Board of Appeal", the Board of Appeal in the Inspectional Services Department of the City.

"Boat Rental Establishment", any use or establishment that involves the renting, hiring, or instruction in the use of any sailboat, rowboat, or other Recreational Vessel that does not require an operator's license by the United States Coast Guard or the conferring of seasonal use privileges in a fleet of such Recreational Vessels.

"Building", a structure forming a shelter for persons, animals, or property and having a roof, exclusive, however, of such frameworks and tents as are customarily used exclusively for outdoor carnivals, lawn parties, or like activities. Where the context allows, the word "building" shall be construed as though followed by the words "or part thereof".

"Building Line", the line in conformity with the alignment of existing buildings in the same block, at a distance from the street line equal to the yard depth occurring

most frequently on that block, as measured by lot widths along the street line. The distance from the street line to the building line shall be calculated in accordance with the method described in the definition of "Existing Building Alignment".

"Building Commissioner", the Building Commissioner, or successor, including but not limited to the Commissioner of Inspectional Services, of the City.

"Building Height", the vertical distance from grade to the top of the highest point of the roof beams of a flat roof, or the mean level of the highest gable or of the slope of a hip roof, excluding roof structures and penthouses normally built above the roof and not used or designed to be used for human occupancy, provided that the total area of such roof structures and penthouses does not exceed 33-1/3 percent of the roof area. A mansard roof shall be considered a flat roof.

Where a maximum building height is specified in this Code, or in a second numerical suffix in the designation of subdistrict as provided in a neighborhood district article, no building or part of a building in a district, and devoted to a use specified, shall exceed the number of stories or feet in height so specified except as provided below:

1. The maximum building height regulation shall not apply to belfries, cupolas, domes, monuments, church spires, water towers, observation towers, radio towers, transmission towers, windmills, chimneys, smokestacks, silos, derricks, conveyors, masts, flag poles, aerials, elevator headhouses, water tanks, monitors, signs, or other structures normally built above the roof and not devoted to human occupancy, but such structures shall be erected only to such heights, and cover only such areas, as are necessary to accomplish the purpose they are intended to serve; and
2. Wherever a legally existing structure not excepted under paragraph 1 above exceeds the height limit specified in a neighborhood district article on a lot in the same district as, and adjoining, the lot on which such legally existing structure is located a structure may be built to a height greater than said height limit, but shall not project above a line drawn between the highest point of said legally existing structure and any point at the height limit whose distance from said highest point is three times the height of said highest point above the height limit.

"Bulkhead", a vertical structure used to create an edge between the land and the water against which Vessels can be placed to unload or engage in other activities.

"Chapter 91", M.G.L. Chapter 91 and implementing regulations, codified as of the effective date of this article at 310 C.M.R. 9.00, as said statute and regulations may, from time to time, be amended.

"Check Cashing Business," an establishment offering cash in exchange for checks, money orders, or the like, where the transaction involves a fee or an exchange at other than face value and is not principally in payment for the purchase of goods or services. "Check chasing business" does not include a bank or automatic teller machine.

(↑ As inserted on October 6, 1994)

"City", the City of Boston.

"Cleaning Plant", a laundry plant, dry-cleaning plant, or rug cleaning plant.

"Clinic", a place for the medical or similar examination and treatment of persons as outpatients.

"College or University Use," means college or university use, including subuses such as classrooms, dormitories, student housing, eating facilities, research laboratories, athletic facilities, libraries, faculty and other offices, museums, auditoria and other facilities of public assembly, parking, and other similar uses. Property owned or occupied by a college or university not having a use that is substantially related to education at the post-secondary level, research, scholarship, or student life shall not be deemed to be a college or university use merely by reason of such ownership or occupancy. College or university use shall not include property held by a college or university for investment purposes only. College or university subuses shall not be treated as accessory or ancillary uses subject to Article 10 or as independent uses. The substitution of one such subuse for another such subuse shall not by itself constitute a Proposed Institutional Project unless the new subuse is a High Impact Subuse. A college or university subuse is a High Impact Subuse if it is a dormitory, student housing, athletic facility, facility of public assembly, parking facility, power plant, or centralized heating or cooling plant.

"Columbarium", a vault with niches for cinerary urns.

"Commission", the Zoning Commission of the City.

"Commonwealth Tidelands" has the meaning ascribed in Chapter 91.

"Community Center", a facility providing educational, recreational, and social services to the community.

"Community Uses", adult education center; community center; day care center; day care center, elderly; library; place of worship; monastery; convent; or parish house.

↕ **"Container Redemption Center,"** a facility that is registered with the Massachusetts Department of Environmental Protection, Bureau of Waste Prevention, Division of Solid Waste Management, or any successor agency thereto, as a facility for the redemption of beverage containers subject to deposit.

(↕ Inserted on September 30, 1993)

"Cultural Uses", art gallery; art use; auditorium; cinema; concert hall; museum; public art display space; studio, arts; studio, production; theatre; or ticket sales.

"Custodial Care Facility", a facility which provides protective supervision and guardianship for drug addicts, alcoholics, or mentally ill or mentally deficient persons.

"Day Care Center", any facility operated on a regular basis whether known as a day nursery, nursery school, child play school, progressive school, child development center, or preschool, or known under any other name, which receives children not of common parentage under seven years of age, or children under sixteen years of age if such children are children with special needs as defined in Massachusetts General Laws, Chapter 28A, Section 9, for nonresidential custody and care during part or all of the day separate from their parents. Day care center shall not include: any part of a public school system; any part of a private, organized educational system, unless the services of such system are primarily limited to nursery or related preschool services; a Sunday school conducted by a religious institution; a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services; a family day care home; an informal cooperative arrangement among neighbors or relatives; or the occasional care of children with or without compensation therefor.

"Day Care Center, Elderly", any facility operated on a regular basis which receives elderly persons for nonresidential custody or care during part or all of the day.

"Dormitory", any dwelling (other than a fraternity or sorority house) occupied primarily as a place of temporary abode by persons attending educational institutions.

"Dormitory and Fraternity Uses", a dormitory, or fraternity.

↕ **"Downtown"**, the Downtown districts, as established pursuant to Section 3-1C of this Code, and those portions of the Downtown Interim Planning Overlay District, established pursuant to Article 27D, that are included in subdistricts H, L, O, and M, as depicted in Appendix A and described in Appendix B to Article 27D.

(↕ As inserted on May 9, 1996.)

"Dwelling", a building or structure used in whole or in part for human habitation.

"Dwelling, Detached", a dwelling which is designed to be and is substantially separate from any other structure or structures except accessory buildings.

"Dwelling, Multifamily", a building containing four or more dwelling units, but not including a motel.

"Dwelling, Semi-Attached", a dwelling attached to another dwelling on a separate lot by a firewall only on one side, and containing one or two dwelling units.

"Dwelling Unit", a room or group of rooms forming a habitable unit for one family, or one group residence limited as defined in this Section 2A-1, with facilities used or intended to be used for living, sleeping, cooking, and eating; but not including any use contained in artists' mixed uses.

"Educational Uses", college or university; elementary or secondary school; kindergarten; professional school; or trade school.

"Elderly Housing", a multifamily dwelling occupied exclusively by elderly residents, containing a common eating area, and providing social and personal care, but not medical care.

"Entertainment Uses", adult entertainment; amusement game machines in commercial establishment; amusement game machines in noncommercial establishment; bar; bar with live entertainment; bowling alley; billiard parlor; dance hall; drive-in theater; fitness center or gymnasium; private club not serving alcohol; private club serving alcohol; restaurant with live entertainment not operating after 10:30 p.m.; or restaurant with live entertainment operating after 10:30 p.m.

"Erect", to construct or reconstruct or excavate, fill, drain, or conduct physical operations of any kind in preparation for or in pursuance of construction or reconstruction, or to move a building or structure upon a lot.

"Executive Suites", any dwelling (other than a boarding house, dormitory, fraternity, lodging house, sorority house, hotel, motel, or apartment hotel) in which living space, with kitchen facilities, is let to fewer than ten persons who are not within the second degree of kinship, primarily the temporary abode of persons living elsewhere.

"Existing Building Alignment", the distance between the street line and the face of the building which, as measured by lot widths along said street line, occurs most frequently. The method for making this calculation shall be as follows:

1. For each developed lot on the same side of the same street the distance between the street line and the nearest building is measured. The measurement is rounded off to the nearest half foot if the said buildings are attached and to the nearest foot if the said buildings are detached. The width of each lot is then measured. These measurements may be scaled off from a reliable plan or map.
2. The widths of all lots with the same front yard depth are added up.
3. The front yard depth with the largest total width is the minimum front yard depth for the block. If two or more front yard depths have equal lot widths, the one closest to the required front yard shall be the minimum front yard depth.

The existing building alignment may also be referred to as the modal front yard depth.

In a block in which there is a uniform or dominant building line at the upper story level which differs from the modal front yard depth because of ground floor projections, no structure in excess of one story shall be built between the minimum front yard depth and the faces of abutting buildings at the upper story levels.

"Extend", to increase in area or volume.

"Facility of Public Assembly", auditorium, theater, concert hall, dance hall, drive-in theater, or stadium.

"Family", one or more persons occupying a dwelling unit and living as a single, nonprofit housekeeping unit, provided that a group of five (5) or more persons who are not within the second degree of kinship shall not be deemed to constitute a family, except that a group residence, limited, as defined in this Section 2A-1 shall be deemed a family.

"Family Day Care Home", any dwelling unit which on a regular basis receives, for temporary custody and care during part or all of the day, children under seven years of age, or children under sixteen years of age if such children are children with special needs as defined in Massachusetts General Laws, Chapter 28A, Section 9; provided, however, in either case, that the total number of children under sixteen in a family day care home shall not exceed six, including participating children living in the dwelling unit. Family day care home shall not mean a dwelling unit used for an informal cooperative arrangement among neighbors or relatives, or the occasional care of children with or without compensation therefor.

"FAR", floor area ratio.

"Filled Tidelands", former submerged lands and tidal flats which are no longer subject to tidal action due to the presence of fill.

"Floor Area, Gross", the sum of areas of the several floors of the structure, as measured by the exterior faces of the walls, including fully enclosed porches and the like as measured by the exterior limits thereof, but excluding (a) garage space which is in the basement of a building or, in the case of garage space accessory to a dwelling, is at grade, (b) basement and cellar areas devoted exclusively to uses accessory to the operation of the structure, and (c) areas elsewhere in the structure devoted to housing mechanical equipment customarily located in the basement or cellar such as heating and air conditioning equipment, plumbing, electrical equipment, laundry facilities and storage facilities.

"Floor Area Ratio", the ratio of gross floor area of a structure to the total area of the lot. Except as otherwise provided in this Code, the ratio which the gross floor area of all structures on a lot exclusive of floor area required to meet the off-street parking requirements of this Code bears to the area of the lot shall not exceed the maximum floor area ratio specified in this Code. In calculating the area of the lot for the purpose of determining floor area ratio, the following parts of the lot shall be excluded: (a) every part required by any other structure or use to comply with any requirements of this Code, and (b) every part the ownership of which is transferred subsequent to the effective date of this Code if such part is required for compliance with the provisions of this Code concerning minimum lot size, lot width, lot frontage, minimum usable open space per dwelling unit, and front yard, side yard, and rear yard inclusive, applicable to the lot from which such transfer is made. (Illustrated in Appendix 2 of this Code.)

"Flowed Tidelands", present submerged lands and tidal flats which are subject to tidal action at the time of license application under Chapter 91.

"Fraternity", a fraternity or sorority house, or other facility for housing a social or service organization of college students.

"Funerary Uses", a cemetery; columbarium; crematory; funeral home; or mortuary chapel.

"Garage with Dispatch", a building or part of a building wherein motor vehicles, such as taxicabs or ambulances, are dispatched from and are housed or stored when not in use.

"Gasoline Station", an area of land, including any structures on the area, used for the retail sale of motor fuel and lubricants. A gasoline station shall not include an automobile laundry, car wash, repair garage, or local retail business establishment.

"General Manufacturing", includes plants, factories, mills, or other facilities engaged in the mechanical or chemical transformation of materials or substances into new products (which may also include the blending of materials or the assembling of component parts of manufactured products), where such processes do not consist entirely of a light manufacturing use and do not include a restricted industrial use. Performance standards, as defined in this Article, are applicable to general manufacturing.

"General Office", the use of a structure or land principally for office space. Such use shall not involve manufacturing, repair, or storage of materials, goods, or products which are physically located on the premises.

"General Retail Business", a department store, furniture store, general merchandise mart, or other store serving the general retail business needs of a major part of the city, including accessory storage.

"Grade", the average elevation of the nearest sidewalk at the line of the street or streets on which the building abuts, except in the case of a building not abutting on a street, the average elevation of the ground between the building and the lot line or a line twenty (20) feet from the building, whichever is nearer; but in no event shall the average elevation of such ground be taken to be more than five (5) feet above or below the average elevation of the ground immediately contiguous to the building.

"Ground Floor Ceiling Height", the height of the underside of the floor structure of the second floor.

"Grounds for Sport, Private", private grounds for games and sports, not conducted for profit, including but not limited to areas providing private recreational facilities such as playgrounds, parks, swimming pools, and playing fields.

"Group Care Residence, General", premises for the residential care or supervision (but not including custodial care) of ex-alcoholics, ex-drug addicts, pre-release or post-release convicts or juveniles under seventeen years of age who are under the care of correctional agencies of the Commonwealth, but not including premises licensed, regulated, or operated by the Commonwealth of Massachusetts or operated by a vendor under contract with the Commonwealth for the residential living, care, or supervision in any single dwelling unit of five or more mentally ill or mentally retarded persons or persons with disabilities.

"Group Residence, Limited", premises licensed, regulated or operated by the Commonwealth of Massachusetts or operated by a vendor under contract with the Commonwealth for the residential living, care, or supervision in any single dwelling unit of five or more mentally ill or mentally retarded persons or persons with disabilities.

↕ **"Harborpark"**, includes: (i) the Harborpark District, as established pursuant to Section 3-1D of this Code; (ii) in the Port Norfolk Neighborhood District, established pursuant to Article 35, any Waterfront Lot, as that term is used in said Article 35; (iii) in the East Boston Neighborhood District, established pursuant to Article 53, any Waterfront Subdistrict and any Tidelands subject to M.G.L. Chapter 91.

(↕ As inserted on May 9, 1996.)

"Health Care Uses", clinic; clinical laboratory; custodial care facility; group care residence, general; hospital; or nursing or convalescent home.

↕ **"High Impact Subuse"**, any subuse of an Institutional Use that is identified as a High Impact Subuse in the definition of such Institutional Use.

(↕ As inserted on May 9, 1996.)

"High/Low Tide Line", the present arithmetic mean of the water heights observed at high or low tide, as applicable, over a specific 19-year Metonic Cycle (the National Tidal Datum Epoch) and shall be determined using hydrographic survey data of the National Ocean Survey of the U.S. Department of Commerce.

"Historic Building", any building listed from time to time in the Massachusetts Register of Historic Places.

"Homeless Shelter", a facility providing temporary housing for one or more individuals who are otherwise homeless.

↕ **"Hospital Use,"** means hospital use, including subuses such as health care facilities, patient rooms, eating facilities, offices, out-patient clinics, research and clinical laboratories, libraries, auditoria and other facilities of public assembly, nursing schools, nursing residences, parking, and other similar uses. Property owned or occupied by a hospital not having a use that is substantially related to the provision of in-patient or out-patient health care, including care for those with acute illnesses or injuries, shall not be deemed to be a hospital use merely by reason of such ownership or occupancy. Hospital use shall not include property held by a hospital for investment purposes only. Hospital subuses shall not be treated as accessory or ancillary uses subject to Article 10 or as independent uses. The substitution of one such subuse for another such subuse shall not by itself constitute a Proposed Institutional Project unless the new subuse is a High Impact Subuse. A hospital subuse is a High Impact Subuse if it is a facility of public assembly, nursing residence, parking facility, power plant, centralized heating or cooling plant, or ambulatory clinical care facility.

(↕ As amended on May 9, 1996.)

"Hotel", a building (other than a dormitory) containing four or more apartments without kitchens, or containing sleeping accommodations for ten or more persons, primarily the temporary abode of persons who have their residences elsewhere.

"Hotel and Conference Center Uses", bed and breakfast; conference center; executive suites; hotel; or motel.

↕ **"Impact Area"**, the geographic district within which an impact on the Transportation Network can reasonably be attributed to the Proposed Project under review.

(↕ As inserted on May 9, 1996.)

↕ **"Industrial Park"**, (a) any area designated as an Industrial Park in an Economic Development Plan (EDP) approved by the Boston Economic Development Industrial Corporation (EDIC), or its successor organization, if any, and used for the purposes described in such EDP; and (b) any Marine Industrial Park, as defined in 310 CMR 9.00 as it may be amended from time to time.

(↕ As inserted on May 9, 1996.)

"Industrial Uses", artists' mixed-use; cleaning plant; general manufacturing use; light manufacturing use; printing plant; or restricted industrial use.

"Inspectional Services, or Inspectional Services Department, Commissioner of": See "Building Commissioner."

↕ **"Institutional Master Plan Review"**, the review described as Institutional Master Plan Review in Section 80D-1.

(↕ As inserted on May 9, 1996.)

"Institutional Uses", College or University Uses, Hospital Uses or Nursing or Convalescent Home Uses.

"Kennel", a facility for the breeding or boarding of animals that has outside enclosures for the animals.

↕ **"Large Project Review"**, the review described as Large Project Review in Section 80B-1.

(↕ As inserted on May 9, 1996.)

↓ **"Level of Service"**, the functional capacity of a traffic intersection, as measured by the ratio between the volume of vehicles passing through the intersection and the capacity of the intersection, or by the average delay per vehicle passing through the intersection.

(↓ As inserted on May 9, 1996.)

"Light Manufacturing ", manufacturing typically having low impacts on the surrounding environment. Light manufacturing includes the design, development, compounding, processing, fabrication, altering, assembly, finishing, packaging, repairing, servicing, renting, testing, handling, or transfer of products. Examples of light manufacturing include, but are not limited to, the manufacture of such products as:

- Ceramic products, including pottery and glazed tile;
- Construction equipment and products;
- Gas, diesel, and electrical machinery, equipment, or supplies;
- Electronic and communication products, including, but not limited to, computer equipment, sound equipment, and household appliances;
- Fish or other food products, except processing;
- Instruments for engineering, medical, dental, diagnostic, scientific, photographic, optical, or other similar professional use;
- Metal and wood products;
- Office equipment or machinery;
- Pharmaceutical or diagnostic products;
- Cosmetics and toiletries;
- Textile products including, but not limited to, products from the following:
 - canvas, burlap, cotton, knit goods, rope, and twine;
- Photographic supplies, including processing solutions; and
- Supplies related to printing or engraving.

Performance standards, as defined in this Article, are applicable to light manufacturing.

"Landmark", any building or structure from time to time designated a landmark pursuant to Chapter 772 of the Acts of 1975, as amended.

"Local Retail Business", a store primarily serving the local retail business needs of the residents of the neighborhood, but not constituting an adult bookstore or adult entertainment business, including, but not limited to, store retailing or renting one or more of the following: food, baked goods, groceries, drugs, videos, computer software, tobacco products, clothing, dry goods, books, flowers, paint, hardware, and minor household appliances, but not including a bakery or liquor store.

"Lodging House", any dwelling (other than a dormitory, fraternity, sorority house, hotel, motel, or apartment hotel) in which living space, without kitchen facilities, is let to five or more persons who are not within the second degree of kinship. Board may or may not be provided to such persons.

"Lot", a parcel of land including land under water, whether or not platted, in single ownership, and not divided by a street.

"Lot Area", the horizontal area of the lot exclusive (a) of any area in a street or private way open to public use, and (b) of any fresh-water area more than ten (10) feet from the shoreline, and (c) of any salt-water area below the mean high-tide line. In computing the area of a lot or the dimensions of the yards required for any building or use, there shall not be included any land which was used to meet the minimum area or minimum yard space required by law for any other building or use at the time of its erection or inception, and which would be required to meet the requirements of this code for such other building or use. This prohibition shall apply whether or not such land is still in the same ownership as when it was used as aforesaid.

"Lot Area per Dwelling Unit", where a minimum lot area for each additional dwelling unit is specified in this Code, the minimum lot area for the first dwelling unit on the lot shall be the minimum lot size; and the minimum additional lot area for each additional dwelling unit thereon shall be the minimum lot area for each additional dwelling unit specified in said code. For residential structures not divided into dwelling units, each two (2) sleeping rooms for single or double occupancy and each four (4) beds in sleeping rooms that contain beds for more than two (2) persons shall be deemed to constitute one (1) dwelling unit; provided that a limited group care residence as defined in this Article shall be deemed to constitute one (1) dwelling unit for purposes of this Article. For nonresidential structures, and for structures where nonresidential uses are combined with residential uses, each fifteen hundred (1,500) square feet of gross floor space devoted to nonresidential uses shall be deemed to constitute one (1) dwelling unit.

"Lot, Corner", a lot with boundaries abutting on, and meeting at the intersection of, two streets when the lines of such boundaries form within such lot at such intersection an angle of not more than 135 degrees. In the case of a curved boundary, the tangent to such curved boundary at its point of intersection with another boundary of the lot shall be deemed to be the line of such boundary for the purposes of this definition.

"Lot, Depth", the horizontal distance between the front and rear lot lines measured by the length, within the lot, of a straight line connecting the midpoint of a straight line between the foremost points of the side lot lines with the midpoint of a straight line between the rearmost points of the side lot lines.

"Lot Line, Front", the line separating the lot from the street. The owner of a lot abutting on two or more streets may designate as the front lot line whichever of the two widest streets he chooses.

"Lot Line, Rear", the line which most nearly qualifies as the line most distant and opposite from the front lot line; where the lot is irregularly shaped, a line perpendicular to the mean direction of the side lot lines, and at least ten feet in length within the lot.

"Lot Size", where a minimum lot size is specified in this Code, no main building shall be erected, nor main use established, on any lot for which such size is specified, if such lot is of lesser size, except if specifically provided.

"Lot Width", the shortest horizontal distance between the side lot lines measured perpendicular to the mean direction of two straight lines, one between the foremost and rearmost points of one side lot line, and the other between the foremost and rearmost points of the other side lot line. Where a minimum lot width is specified in this Code, no main building shall be erected on that part of a lot where the lot width is less than that specified, except if specifically provided.

"Low-Income Household", any household whose Annual Income does not exceed fifty percent (50%) of the median gross income of households in the Boston Standard Metropolitan Statistical Area.

"Main Building", a building, not including a dwelling, that is not an accessory building.

"Main Shipping Channel", the shipping channel for deep draft vessels in the Boston Inner Harbor as depicted by dashed lines on that certain chart issued by National Oceanic and Atmospheric Administration as chart number 13272 and entitled "Boston Inner Harbor," 39th Edition, dated November 24, 1984.

"Mansard Roof", a sloping roof having a pitch of more than sixty (60) degrees to the horizontal. The floor under a mansard roof shall be considered a Story as defined below.

"Median Gross Income" is defined as it is by the United States Department of Housing and Urban Development, pursuant to 24 CFR Section 813.102 (1986), as amended, or as set forth in regulations adopted in accordance with a neighborhood district article.

"Mobile Home", a dwelling, other than a recreational vehicle, that is transportable in one or more sections, built on a permanent chassis, and designed to be used with or without a permanent foundation.

"Mobile Home Park", a parking space for two or more mobile homes used as dwellings.

"Modal Front Yard depth": See "Existing Building Alignment".

"Moderate-Income Household", any household whose annual income does not exceed eighty percent (80%) of the median gross income of households in the Boston Standard Metropolitan Statistical Area.

"Mortuary Chapel", a facility in a cemetery in which bodies are prepared for burial or cremation or funeral services are conducted.

"Motel", a hotel primarily for transients travelling by automobile, with a parking space on the lot for each lodging unit, and with access to each such unit directly from the outside.

"Motor Freight Terminal", a building or area in which freight brought by truck is assembled and/or stored for routing or reshipment, or in which semitrailers, including tractor and/or trailer units, and other trucks are parked or stored.

"Music store", a store for the sale of musical instruments and sheet music.

"Natural High/Low Tide Line", the historic high/low tide line that would be observed except for alteration of the shoreline by filling, dredging, or impounding.

"Neighborhood Council", any neighborhood-based council established by the Mayor to render advice to neighborhood residents, the Mayor, city departments, and the Boston Redevelopment Authority regarding any municipal issues of neighborhood concern.

↑ **"Neighborhoods"**, the Neighborhood Districts, as established pursuant to Section 3-1B of this Code, and any other area of the City of Boston not included in the Downtown or the Harborpark, as defined in this Article.

(↑ As inserted on May 9, 1996.)

"Nonconforming Use", a use of a structure or lot that does not conform to a regulation prescribed by this code for the district in which it is located; provided that such use was lawfully in existence on the effective date of this code or, in the case of a use made nonconforming by an amendment of this code, on the effective date of such amendment.

"Nursing or Convalescent Home Use," means nursing or convalescent home use, including subuses such as patient rooms, health care facilities, nursing

residences, eating facilities, mechanical facilities, and other similar uses. Property owned or occupied by a nursing or convalescent home not having a use that is substantially related to the provision, by a facility licensed by the state as a nursing, convalescent, or rest home, of care and minor medical treatment for patients in order that they may recover from a medical infirmity, or of long-term care of the elderly or infirm, shall not be deemed to be a nursing or convalescent home use merely by reason of such ownership or occupancy. Nursing or convalescent home use shall not include property held by a nursing or convalescent home for investment purposes only. Nursing or convalescent home subuses shall not be treated as accessory or ancillary uses subject to Article 10 or as independent uses. The substitution of one such subuse for another such subuse shall not by itself constitute a Proposed Institutional Project unless the new subuse is a High Impact Subuse. A nursing or convalescent home subuse is a High Impact Subuse if it is a facility of public assembly, nursing residence, parking facility, power plant, or centralized heating or cooling plant.

"Occupied" shall include the words "designed, arranged, or intended to be occupied".

"Office Uses", agency or professional office, back office, or general office.

"Open Space," open space in public ownership dedicated to or appropriated for active or passive recreational use or to the conservation of natural resources; including but not limited to the waterway areas, beaches, reservations, parks, and playgrounds within the boundaries of the City of Boston; or open space in private ownership for active or passive recreational use or for the conservation of natural resources.

"Open Space Recreational Building", a structure on an open space area that is necessary and/or appropriate to the enhanced enjoyment of the particular open space area.

"Open Space Uses", golf driving range; grounds for sport, private; open space; open space recreational building; outdoor place of recreation for profit; or stadium uses.

"Outdoor Storage of Damaged or Disabled Vehicles", outdoor storage of damaged or disabled motor vehicles, with no dismantling of motor vehicles or sale of used parts on the lot.

"Outdoor Storage of Junk and Scrap", outdoor storage of second-hand lumber or other used building material, junk, scrap, paper, rags, unrepaired or uncleaned containers, or other articles.

"Outdoor Storage of New Materials", outdoor storage of new building materials, contractor's equipment, machinery, metals (other than scrap and junk), and the like.

"Parapet Line", a horizontal line at the mean height of the wall of the building nearest to, and substantially parallel with, the lot line from which a setback is being measured.

"Penal Institution", a facility for the incarceration of persons under warrant, awaiting trial on felony or misdemeanor charges, or serving a sentence upon conviction.

"Performance Standards", requirements to be met by all Light Manufacturing uses, General Manufacturing uses, and Restricted Industrial uses. The following effects shall not be allowed from any such use:

1. Any emission of any air, water, or other pollutants or of radiation or any release of toxic or biohazardous material in violation of federal, state, or local standards or regulations.
2. Any emission beyond the boundaries of the lot that is known to or can be shown to endanger human health or cause significant damage to property or vegetation.
3. Any surface water or groundwater contamination that exceeds any applicable state or federal regulations.
4. For a Light Manufacturing use, any noise, air pollutant, vibration, dust, odor, change of temperature, or direct glare of lighting that emanates beyond the boundaries of the lot on which the use is located, is detectable at such distance by human senses without aid of instruments, and is of sufficient quantity or duration to cause significant annoyance or interference with normal activities.

For a General Manufacturing use, any noise, air pollutant, vibration, dust, odor, change of temperature, or direct glare of lighting, that emanates (a) beyond any boundary of the lot that abuts a Residential Subdistrict or a Conservation Protection Subdistrict; or (b) more than twenty (20) feet beyond any boundary of the lot that abuts any subdistrict (other than a Residential Subdistrict or a Conservation Protection Subdistrict) where a General Manufacturing use is not designated "A" (allowed) in the applicable table of uses; or (c) more than fifty (50) feet beyond any boundary of the lot that abuts a subdistrict where a General Manufacturing use is designated "A" (allowed) in the applicable table of uses; if any such effect

is detectable at such distances by human senses without aid of instruments and is of sufficient quantity or duration to cause significant annoyance or interference with normal activities.

For a Restricted Industrial use, any noise, air pollutant, vibration, dust, odor, change of temperature, or direct glare of lighting that emanates beyond the boundaries of the subdistrict in which the use is located, is detectable at such distance by human senses without aid of instruments, and is of sufficient quantity or duration to cause significant annoyance or interference with normal activities.

"Physically Handicapped Person" shall be as defined in Chapter 521 of the Code of Massachusetts Regulations, as amended.

"Pier", any structure that extends seaward of the High Tide Line, but excluding any floating structure.

"Pierhead Line", the seaward limit of Pier construction as established in applicable law of the Commonwealth of Massachusetts.

↓**"Planned Development Area Development Plan"**, or "PDA Development Plan", the development plan required for a Planned Development Area, pursuant to Section 3-1A.a.

(↓As inserted on May 9, 1996.)

↓**"Planned Development Area Master Plan"**, or "PDA Master Plan", a master plan setting forth the development concept for a PDA, as provided for in Section 3-1A.a.

(↓As inserted on May 9, 1996.)

↓**"Planned Development Area Review"**, the review described as Planned Development Area Review in Section 80C-1.

(↓As inserted on May 9, 1996.)

"Planning and Zoning Advisory Committee", any neighborhood-based committee appointed by the Mayor to render advice to neighborhood residents, the Mayor, city departments, and the Boston Redevelopment Authority regarding land use planning and zoning issues.

"Private Club", facilities used or operated for a purpose such as, but not limited to, a fraternal, social, recreational, or athletic purpose, including a health club.

"Private Tidelands" has the meaning ascribed in Chapter 91.

"Professional School", an institution which offers courses of instruction in any of several fields of study and/or in a number of professions or occupations, and which is not part of a college, university or trade school.

"Proposed Institutional Project," a Proposed Project occupied or to be occupied for Institutional Uses upon issuance of a building, use, or occupancy permit.

"Proposed Project", the erection, extension, or substantial demolition of any structure or part thereof, or the change of use of any structure or land, for which the Applicant is required to obtain a building or use permit.

"Public Agency", a department, agency, board, commission, authority, or other instrumentality of the Commonwealth of Massachusetts, or of one or more political subdivisions of the Commonwealth, or of the United States.

"Public Assembly Uses", for the purposes of off-street parking requirements, such uses are entertainment uses, funerary uses, places of worship, or restaurant uses.

"Public Boat Ramp", any ramp structure that provides public access to or egress from the water for Vessels.

"Public Open Space", an open space in public ownership devoted or to be devoted to a public use with only minor accessory buildings, if any. No structure that exceeds twenty (20) feet in height or two thousand (2,000) square feet in gross floor area shall be considered to be a part of such public open space. "Public open space" shall be construed to include a street.

"Public Service Uses", automatic telephone exchange; courthouse; fire station; penal institution; police station; pumping station; recycling facility (excluding toxic waste); solid waste transfer station; substation; or telephone exchange.

"Pumping station", a public service facility for transporting water, including pumps, piping, valves, and controls.

"Recreational Marina", any arrangement of docks, slips, Piers, pilings, moorings, or other facilities in or adjacent to the water, for use primarily by Recreational Vessels, including, but not limited to, any such facility associated with a yacht club or boat club.

"Recycle", to recover materials or byproducts: (a) which are to be reused, or (b) which are to be employed as an ingredient or a feedstock in an industrial or

manufacturing process to make a product, or (c) which are to be employed in a particular function or application as an effective substitute for a commercial product or commodity. Recycle does not mean to recover energy from the combustion of a material.

"Recycling Facility", a facility which recovers and recycles solid waste for reuse. A recycling facility shall not include a drop-off center for general commercial or household waste.

"Research and Development Uses", basic laboratory; or product development or prototype manufacturing.

"Residential Uses", congregate living complex; elderly housing; group residence, limited; homeless shelter; lodging house; mobile home; mobile home park; multifamily dwelling; one-family detached dwelling; one-family semi-attached dwelling; orphanage; row house; temporary dwelling structure; three-family detached dwelling; townhouse; transitional housing; two-family detached dwelling; or two-family semi-attached dwelling.

"Restaurant", lunch room, restaurant, cafeteria, or other place for the service or sale of food or drinks for on-premises consumption, provided that there is no dancing nor entertainment other than phonograph, radio and television, and that neither food nor drink is served to, or consumed by, persons while seated in motor vehicles.

"Restaurant Uses", a drive-in restaurant, restaurant, or take-out restaurant.

"Restricted Industrial Use", a heavy manufacturing use typically having substantial impacts on the environment in which articles are usually mass produced from raw materials. A restricted industrial use includes any use which is objectionable or offensive because of special danger or hazard, or because of cinders, dust, smoke, refuse matter, flashing, fumes, gases, vapor or odor not effectively confined to the lot. Examples of restricted industrial uses include, but are not limited to:

Batching or casting of concrete, including handling and/or storage of cement, lime, sand, stone, or other aggregates.

Blending of disinfectants, exterminating agents, fungicides, or insecticides.

Curing, dyeing, or finishing of fur or leather.

Curing, drying or smoking of fish, meat, or poultry.

Disposal, handling, or storage of radioactive waste.

Energy production facilities.

Incineration or reduction of garbage or organic waste.

Manufacture or refining of

Asphalt or asphalt products.

Fossil fuel products.

Fertilizers.

Gases in amounts exceeding two thousand (2,000) cubic feet a day.

Rubber (natural or synthetic) including tires, tubes, or similar products.

Soaps or detergents, including fat rendering.

Toxic chemicals including acetylene, aniline dyes, ammonia, carbide, caustic soda, cellulose, chlorine, carbon black or bone black, cleaning or polishing preparations, creosote, industrial alcohol, potash, plastic materials or synthetic rosins, or hydrochloric, picric, or sulphuric acids or derivatives.

Reduction, refining, or smelting of metal or metal ores.

Removal of gravel, loam, sand, or stone except for reuse on the same lot or incidental to the erection of a building on such lot.

Sewage disposal plant.

Storage of gases in amounts exceeding ten thousand (10,000) cubic feet.

Storage and processing of salvage materials.

Performance standards, as defined in this Article, are applicable to all restricted industrial uses.

"Retail Uses", adult bookstore; bakery, general retail business; liquor store; local retail business; outdoor sale of garden supplies; or similar use.

"Rounding Numbers, Rule For", when a decimal must be rounded to the nearest whole number, as in the case of off-street parking requirements, or to the nearest foot, and when the only digit dropped is .5, then if the last digit retained is an even number, it shall be left unchanged; but if the last digit retained is an odd number, it shall be increased to the next higher digit. In the case of rounding to the nearest half foot to determine the existing building alignment, if the only digits dropped are .25, the preceding digit shall be left unchanged; but if the only digits dropped are .75, the preceding digit shall be raised to the next higher number.

"Row House Building" or "Row House", one of a group of three or more residential buildings on different Lots sharing common or party walls or fire walls, on one or both side lot lines.

"Roxbury Land Trust", a trust or other organization to be formed for the purpose of establishing a process for community participation in the disposition of certain publicly owned land in the Roxbury Neighborhood District.

"School", buildings, premises and parts thereof in which a regular course of public or private instruction is given.

"Scientific Laboratory", a facility devoted to the testing and analysis of scientific and applied research hypotheses through experimentation. No manufacturing is conducted on the premises except for experimental or testing purposes or the development of prototypes.

"Seasonal Dry Storage", the storage of Recreational Vessels on land for periodic use in the water during the active boating season, generally from April through October.

"Service Uses", animal hospital; barber or beauty shop; caterer's establishment; dry-cleaning shop; kennel; laundry, retail; laundry, self-service; photocopying establishment; shoe repair; tailor shop; or similar use.

"Shall", shall be considered mandatory and not directory.

"Sides" of a Pier means the edges of the Pier other than the edge connecting the Pier with dry land and other than the End of the Pier.

"Sign", any structure, device, light, letter, word, model, banner, pennant, insignia, trade flag, or representation which is designed to be seen from outside a building and which advertises or announces a use conducted or goods, products, services or facilities available, including electric signs in windows or doors, but excluding window displays of merchandise and signs incidental to the display of merchandise.

"Sign Area":

1. For a sign, either free-standing or attached, the area shall be considered to include all lettering, wording, and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed, but not including any supporting framework and bracing which are incidental to the display itself.
2. For a sign painted upon or applied to a building, the area shall be considered to include all lettering, wording, and accompanying designs or symbols together with any background of a different color than the natural color of the building.
3. Where the sign consists of individual letters or symbols attached to or painted on a surface, building, canopy, awning, wall, or window, the area shall be considered to be that of the smallest rectangle or other geometric shape which encompasses all of the letters or symbols.

4. Only one face of a two-faced sign shall be counted in computing the area of a sign, or the total area of signs on a sign frontage or on a lot.

"Sign, Awning", a sign on or attached to a temporary retractable shelter which is supported entirely from the exterior wall of a building.

"Sign, Canopy", a sign on or attached to a permanent overhanging shelter which projects from the face of a building and is supported only partially by said building.

"Sign Design, Comprehensive", a plan submitted to the Urban Design Department of the Boston Redevelopment Authority for signs and related architectural features on a sign frontage, a building front, or a group of buildings.

"Sign Frontage", the length in feet along a ground floor building front, facing a street or a private way accessible from a street, which is occupied by a separate and distinct use; the length along a ground floor building side facing a street, which is occupied by a separate and distinct use or by the same use which occupies the front of said building.

"Sign, Marquee", a sign on or attached to a permanent overhanging shelter which projects from the face of a building and is entirely supported by said building.

"Sign, Off-Premise", a sign which advertises or announces a use conducted or goods available elsewhere than on the lot on which the sign is located.

"Sign, On-Premise", a sign which advertises or announces a use conducted or goods available on the lot on which the sign is located.

↕ **"Small Project Review"**, the review described as Small Project Review in Section 80E-1.

(↕ As inserted on May 9, 1996.)

"Solid Waste Transfer Station", a facility where solid wastes are brought, stored, and transferred to vehicles for transport to the location of further processing or treating or ultimate disposal.

"State Building Code", the state building code and amendments and rules and regulations thereto as promulgated by the board of building regulations under sections ninety-three, ninety-four, and ninety-five of Chapter One Hundred Forty Three of the General Laws.

"Storage (Outdoor or Enclosed) of Solid Fuel or Minerals", storage, outdoors or in silos or hoppers, of coal, coke or other solid fuel or of crushed stone, sand, or similar material.

"Storage Uses, Major", outdoor storage of new materials; outdoor storage of damaged or disabled vehicles; outdoor storage of junk and scrap; outdoor or enclosed storage of solid fuel or minerals; storage of flammable liquids and gases; warehousing; or wrecking yard.

"Story", that portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above, except that a space used exclusively for the housing above the roof of mechanical equipment of a building shall not be considered to be a story if access to such space may be had only for maintenance of such equipment.

"Story, First", the lowest story of which sixty-five percent (65%) or more of the height is above grade.

"Story, Half", a story used or designed to be used for human occupancy that has a floor area measured four (4) feet vertically from the floor of not more than one-half (1/2) the area of the floor next below and in which the ceiling area or plane, measured at a height of seven and one-third (7-1/3) feet above the floor, is a minimum of one-third (1/3) the area of the floor. For the purpose of determining Building Height, the floor area of a dormer on a dwelling shall not be included in the floor area calculation for a half story; provided that such dormer is not wider than eight (8) feet and the ridge line of the dormer does not exceed the ridge line of the existing structure of which it is a part, or thirty-five (35) feet, whichever is less; and provided further that only the floor area of two such dormers shall not be included in the floor area calculation of a half story. However, the floor area of such dormers shall be included in gross floor area of the dwelling.

"Street", a public way, alley, lane, court, sidewalk, and such parts of public squares and public places as form travelled parts of highways.

"Street Line", the line separating a street from a lot.

"Street Wall" means the portion of the exterior wall (including recesses, bays, windows, doors, and other features) of a proposed project that fronts on a public street (excluding public alleys) and is below the streetwall height specified in a Neighborhood District article.

"Structure", a combination of materials assembled at a fixed location to give support or shelter, such as a building, bridge, trestle, tower, framework, retaining wall, tank, tunnel, tent, stadium, reviewing stand, platform, bin, fence, sign, flagpole, or the

like. The word "structure" shall be construed, where the context allows, as though followed by the words "or part thereof".

"Studio, Arts, a studio for professional work or teaching of music, dancing, or theatrical arts to students.

"Studio, Production", a studio for production of motion pictures, videos, or radio or television programs; or for radio or television broadcasting.

↕ **"Substantially Rehabilitate"**, to cause alterations or repairs to be made to a structure or structures within any period of twelve (12) months, if such alterations or repairs cost more than fifty percent (50%) of the physical value of the structure or structures. Physical value shall be based on the assessed value, as recorded on the assessment rolls of the City as of the January 1 preceding the date of the filing of a Project Notification Form for Large Project Review, pursuant to Section 80D-5.1.

(↕ As inserted on May 9, 1996.)

"Substation", a public service facility for transforming electricity for distribution to customers.

"Take-out Restaurant", sale over the counter, not wholly incidental to a local retail business, restaurant, or drive-in restaurant, of food or drink prepared on premises for off-premises consumption or for on-premises consumption if, as so sold, such food or drink is ready for take-out. A take-out restaurant shall include any restaurant with an accessory drive-through restaurant and any restaurant which serves its food and beverages primarily in disposable containers and provides disposable tableware.

"Telephone Exchange", a telephone switching or transmitting service which is not automatic.

"Theatre", a structure used for dramatic, operatic, motion picture, or other performances.

"Ticket Sales", a structure or building or portion thereof, for the retail sale of tickets to performing, visual arts, sports, cultural or community events.

"Tidelands", present and former submerged lands and tidal flats lying between the Natural High Tide Line and the seaward limit of state jurisdiction.

"Town House Building" or "Town House", one of a group of three or more residential buildings on one lot, sharing common or party walls or fire walls, with each building having a separate entrance.

"Trade Uses", a carpenters shop; electrician's shop; machine shop; photographer's studio; plumber's shop; radio/television repair shop; upholsterer's shop; or similar use.

"Transit Corridor", any interstate, state, or local highway or rail line which lies below the grade level of abutting parcels of land, not including abutting transit corridors which lie below grade level.

"Transitional Housing", a building, or portion thereof, in which temporary residential accommodations are provided for persons or families who are not related to the owner, operator, or manager. Such residential accommodations shall be operated by a nonprofit organization, and shall include social services, on site or off site, to assist individuals or families living there. Transitional housing may contain a common kitchen and eating area and shared bathroom facilities.

↑ **"Transportation Access Plan"**, a document prepared in accordance with Section 80B-3.1 that identifies the impact of a Proposed Project on the Transportation Network and describes proposed mitigation and monitoring measures.

(↑ As inserted on May 9, 1996.)

↑ **"Transportation Network"**, the elements of the publicly-owned facilities and accessible ways within the Impact Area of a Proposed Project, as set forth pursuant to Section 80B-3.1, and all aspects of operation and maintenance of such ways and facilities.

(↑ As inserted on May 9, 1996.)

"Transportation Uses", an airport; bus terminal; garage with dispatch; helicopter landing facility; motor freight terminal; rail freight terminal; railroad passenger station; or water terminal.

"Truck or Bus Servicing or Storage", yard for storing or servicing trucks or buses.

↑ **"Underlying Zoning"**, the zoning regulations applicable to the location of a Proposed Project or site, as set forth in this Code, without regard to the provisions of any applicable PDA Development Plan, PDA Master Plan, or Institutional Master Plan.

(↑ As inserted on May 9, 1996.)

"Usable Open Space", space suitable for recreation, swimming pool, tennis court, gardens, or household service activities, such as clothes drying. Such space

must be at least seventy-five percent (75%) open to the sky, free of automotive traffic, parking, and undue hazard, and readily accessible by all those for whom it is required.

Where a minimum usable open space per dwelling unit is specified in this Code, there shall be allotted and maintained for lawful outdoor uses other than off-street parking on every lot within the district, and devoted to the use specified, for each dwelling unit intended for family occupancy the minimum usable open space so specified. So much of the front, side, and rear yards required by this Code for the lot as is not devoted to an accessory building or off-street parking or driveway purposes shall be included in computing usable open space for the purposes of this Article.

Minimum usable open space per dwelling unit requirements shall not apply to hotels, motels, hospitals, dormitories, or other residential structures intended and designed primarily for transient occupancy.

"Use", as a verb, shall be construed as if followed by the words "or is intended, arranged, designed, built, altered, converted, rented, or leased to be used".

"Vacant Public Land", any land owned by a public agency that is not in use for an essential public purpose.

"Vehicular Uses", bus servicing or storage; carwash; gasoline station; indoor installation of automotive parts; indoor sale of automobiles and trucks; outdoor sale of new and used vehicles; parking garage; parking lot; rental agency for cars; rental agency for trucks; repair garage; or truck servicing or storage uses.

"Vessel", means any watercraft, including, but not limited to, a Commercial Vessel or Recreational Vessel, but not including any floating structure permanently moored or attached to land or a Pier.

"Vessel, Commercial", any Vessel used for the principal purpose of engaging in a water-related commercial activity, including, but not limited to, charter boat, fishing boat, tug boat, cruise boat, freighter, or barge.

"Vessel, Recreational", any Vessel used principally for recreational purposes.

"Warehousing", the holding or storing of goods, wares, or merchandise as a main use in a building, whether for the owner or for others.

"Water Terminal", a water freight or passenger terminal facility, including docks, piers, wharves, storage sheds for water-borne commodities, and rail and truck facilities accessory to a waterborne freight terminal.

"Wholesale Business", a facility for the sale of goods, merchandise, or commodities, in gross, primarily for the purpose of resale.

"Wholesale Use", or a wholesale business.

"Wrecking Yard", wrecking and dismantling of motor vehicles.

"Yard, Front", an open space extending across the full width of the lot and lying between the front lot line and the nearest building. Where a minimum depth of front yard is specified in this Code, so much of every lot within the district or subdistrict specified, and devoted to the use specified, as lies between the street line and a line inside the lot parallel to, and such minimum depth from, the street line is hereby required as a front yard. Within a required front yard, no planting other than shade trees shall be maintained more than five (5) feet above the average natural grade of the front yard and no structure shall be erected except: (1) fences and walls not over five (5) feet in height above the average natural grade in such front yard; (2) steps, terraces, open porches without roofs, and the like, if not extending more than three (3) feet above the floor of the first story; and (3) signs that conform with Article 11. (See also "Lot Area".)

In the case of lots to which the existing building alignment depth applies, the required front yard shall be that portion of the lot as lies between the street line and a line inside the lot parallel to and at the depth calculated to be the existing building alignment depth.

"Yard, Rear", an open space immediately behind the rearmost main building on the lot and extending across the full width of the lot. Except as otherwise provided in this Code, where a minimum depth of rear yard is specified for a district or subdistrict, so much of every lot within the district or subdistrict specified, and devoted to the use specified, as lies between the rear lot line and a line inside the lot parallel to, and such minimum depth from, the rear lot line is hereby required as a rear yard within which no structure shall be erected, except those projections allowed into side yards (see "Yard, Side" requirements) may project the same distance into rear yards but in no case within ten (10) feet of a rear lot line or within eight (8) feet of an accessory building. (See also "Lot Area".)

"Yard, Side", an open space along the side line of a lot, extending from the front yard line to the rear yard line; in the case of a side yard abutting on a street, extending to the rear lot line. Except as otherwise provided in this Code, where a minimum width of side yard is specified in this Code, so much of every lot within the district or subdistrict specified, and devoted to the use specified, as lies between the lot line on one side of such lot and a line inside the lot parallel to, and such minimum width from, such lot line, and also so much of every such lot as lies between the lot

line on the other side of such lot and a line inside the lot parallel to, and such minimum width from, such lot line, are hereby required as side yards.

Within a required side yard, no planting other than shade trees shall be maintained more than six (6) feet above the average natural grade in such yard and no structure shall be erected except: (a) fences and walls not over six feet in height above said average natural grade in such side yard, (b) steps, terraces, open porches without roofs and the like, if not extending more than three (3) feet above the floor of the first story, (c) porches not over half the length of the side wall, ground story bays and open iron fire escapes, if not coming within three (3) feet of any side lot line and not extending more than three and one half (3-1/2) feet into the side yard, (d) other fire escapes, bays, balconies, chimneys, and flues, if not coming within three (3) feet of any side lot line and not extending into the side yard more than one-third (1/3) of the width of such yard nor more than three and one-third (3-1/3) feet in any event, (e) belt courses, leaders, sills, pilasters, lintels, and ornamental features, if not coming within three (3) feet of any side lot and not more extending more than one (1) foot into the side yard, and (f) cornices and gutters, if not coming within three (3) feet of any side lot line and not extending more than two (2) feet into the side yard. (See also "Lot Area".)

↓**"Zoning Relief"**, any zoning variance, exception, conditional use permit, interim planning permit, zoning map or text change, PDA Development Plan or PDA Master Plan approval, Institutional Master Plan approval, or any other relief granted by the Zoning Commission or the Board of Appeal.

(↓As amended on May 9, 1996.)

SECTION 2A-2. Rules of Construction. Words importing the singular shall include the plural; and words importing the plural shall include the singular.

ARTICLE 3

ESTABLISHMENT OF ZONING DISTRICTS

↓SECTION 3-1. **Division of City Into Districts.** For the purposes of this code, the City is hereby divided into districts as follows: three classes of residential districts: S (single family), R (general), and H (apartment); two classes of business districts: L (local) and B (general); seven classes of industrial districts: LM (light manufacturing), M (restricted manufacturing), I (general), MER (maritime economy reserve), W (waterfront), WM (waterfront manufacturing), and WS (waterfront service); one class of open space district: OS (open space); downtown districts (established pursuant to Section 3-1C), as listed in Subsection (e) of this Section; neighborhood districts (established pursuant to Section 3-1B), as listed in Subsection (f) of this Section; the Harborpark District (established pursuant to Section 3-1D), as listed in Subsection (g) of this Section; and special districts (established pursuant to Section 3-1E), as listed in Subsection (h) of this Section. Land in private ownership shall not be included in the open space class of district without the written consent of the owner.

Each of the residential, business, and industrial classes is further subdivided into subdistricts, which are identified by a number specifying the maximum allowed floor area ratio and some of which have a second number specifying a height limit. The open space district may be divided into open space subdistricts in accordance with the provisions of Article 33. Downtown districts, neighborhood districts, special districts, and the Harborpark District are divided into variously titled subdistricts and subareas, as set forth in the applicable articles of this code.

(a) Residential Districts

S-.3	
S-.5	Single Family
R-.5	
R-.8	General
H-1-40	
H-1-50	
H-1	
H-2-45	
H-2-65	
H-2	Apartment
H-3-55	
H-3-65	
H-3	
H-4	

H-5-55
H-5

(b) Business Districts

L-.5
L-1
L-2-55 Local
L-2-65
L-2

B-1
B-2-55
B-2
B-3-65
B-4
B-6-90a General
B-6-90b
B-8-55
B-8-120a
B-8-120b
B-8-120c
B-8
B-10

(c) Industrial Districts

LM-1 Light Manufacturing
LM-2

M-1
M-2-55
M-2 Restricted Manufacturing
M-4
M-8

I-2 General Industrial

MER-2 Maritime Economy Reserve

W-1 Port Norfolk Waterfront Service
W-2 Waterfront Industrial
WM Waterfront Manufacturing
WS Waterfront Service

(d) Open Space Districts

OS	Open Space
OS-A	Air-Right
OS-CM	Cemetery
OS-G	Community Garden
OS-P	Parkland
OS-RC	Recreation
OS-SL	Shoreland
OS-UP	Urban Plaza
OS-UW	Urban Wild
OS-WA	Waterfront Access Area

(e) Downtown Districts

See Appendix A to this article for a list of Downtown Districts.

(f) Neighborhood Districts

See Appendix A to this article for a list of Neighborhood Districts.

(g) Harborpark District

(h) Special District

Central Artery Special District

The boundaries of the above districts are established as shown on a series of maps entitled "Zoning Districts City of Boston," dated August 15, 1962, on file in the office of the City Clerk, which maps, with all explanatory matter thereon, and all maps which, by amendment of this code, may be substituted therefor or made supplemental thereto shall be deemed to be, and are hereby made, a part of this code.

The locations of open space districts shall be identified and designated by map or text amendment of this code. Notwithstanding that the site of a designated open space district appears to be in a residential, business, industrial, or other district on any map in the series of maps entitled "Zoning Districts City of Boston," such site is in an open space district.

(↑ As amended on February 17, 1971, March 20 and May 26, 1972, July 9 and September 27, 1973, October 22, 1974, February 28, 1979, October 22, 1974, February 28, 1979, October 31, 1980, June 16, 1982, June 24, 1985, April 2, 1987, January 4, March 8, August 30, and October 12, 1988, February 1, March 20, and September 13, 1989, March 20, April 27, and June 14, 1990, January 28, April 1,

April 22, June 7, and November 13, 1991, March 19 and October 28, 1992, February 16, May 17, and September 7, 1993, and July 31, 1997.)

§ SECTION 3-1A. Special Purpose Overlay Districts. A subdistrict or part thereof or a contiguous group of subdistricts or parts thereof may be designated as a special purpose overlay district as follows: (a) planned development area (distinguished by the addition of the letter "D" to the designation of the subdistrict or subdistricts); (b) urban renewal area (distinguished by the addition of the letter "U" to the designation of the subdistrict or subdistricts); (c) restricted and limited parking districts; (d) adult entertainment district (distinguished by the addition of the letter "E" to the designation of the subdistrict or subdistricts); (e) flood hazard district; (f) institutional district; (g) restricted roof structure district (distinguished by the addition of an asterisk to the designation of the subdistrict or subdistricts); (h) interim planning overlay district; (i) limited height district (distinguished by the addition of a second numerical suffix added to the basic district designation); (j) greenbelt protection overlay district; or (k) density limitation district. Other special purpose overlay districts may be designated in downtown districts, neighborhood districts, and the Harborpark District, as provided in the articles governing such districts. In an overlay district the regulations specified for the base subdistrict or subdistricts shall apply, insofar as they are not in conflict with special regulations specified for a particular overlay district.

(§ This section, inserted March 24, 1977, incorporates districts formerly described in Section 3-1. The first paragraph was subsequently amended on June 8, 1977, August 20, 1981, December 30, 1983, November 23, 1984, June 24, 1985, June 1 and September 23, 1987, October 12, 1988, and April 22, 1991.)

3a. Planned Development Areas.* The whole or any part of a subdistrict may be established as a planned development area if such area contains not less than one acre and the commission has received from the Boston Redevelopment Authority, and has approved, a development plan or, if the area contains not less than five acres and is not located in a residential zoning district, a master plan for the development of the planned development area. Before transmittal to the commission, such development plan or master plan shall have been approved by said Authority after a public hearing, provided, however, that no development plan or master plan shall be approved by said Authority unless said Authority finds that such plan conforms to the general plan for the city as a whole and that nothing in such plan will be injurious to the neighborhood or otherwise detrimental to the public welfare. A development plan shall set forth the proposed location and appearance of structures, open spaces and landscaping,

* None of the changes to this code adopted in Text Amendment No. 94, effective September 23, 1987, shall apply to any site or project for which application for approval of a development plan or master plan has been submitted to the Boston Redevelopment Authority pursuant to Section 3-1A.a prior to July 22, 1987, provided that a development plan or master plan has been or is hereafter approved by the Boston Redevelopment Authority pursuant to such application, whether or not such application or such development plan or master plan is thereafter modified or amended.

proposed uses of the area, densities, proposed traffic circulation, parking and loading facilities, access to public transportation, proposed dimensions of structures, and may include proposed building elevations, schematic layout drawings and exterior building materials, and such other matters as said Authority deems appropriate to its consideration of the proposed development of the area.

If the area contains not less than 5 acres and is not located in a residential zoning district, a master plan may be submitted setting forth only a statement of the development concept, including the planning objectives and character of the development, the proposed uses of the area, the range of dimensional requirements contemplated for each of the proposed uses, the proposed phasing of construction of the development and such of the other items set forth above as said Authority may request in order to make its required finding. No work shall proceed in any planned development area established by the commission on the basis of an approved master plan until a development plan for the area, or portion thereof in which work is to proceed, conforming to the foregoing requirements has been approved by the Authority and the commission, in each case after a public hearing.

To insure that no work proceeds other than in accordance with an approved development plan, no structure shall be erected, reconstructed, or structurally changed or extended in a planned development area, whether or not a master plan has been approved for such area, unless all drawings and specifications therefor shall have been subjected to design review and approved by said Authority. The Building Commissioner shall not issue any building or use permit with respect to any building, structure, or land within a planned development area unless the Director of said Authority has certified on the application therefor and on each and every plan filed with the Building Commissioner in connection therewith that the same is consistent with the development plan for such planned development area or the portion thereof to which said permit relates. Except as otherwise provided in Article 6A or Article 80, planned development areas shall be subject to all the provisions of this code applicable to the subdistrict in which the area is located.

(↑ As inserted on July 2, 1968, and amended on December 29, 1982, September 23, 1987, and May 9, 1996)

↑ **b. Urban Renewal Areas.** Upon application from the Boston Redevelopment Authority, the whole or any part of a subdistrict may be established as an urban renewal area if all land within such urban renewal area is the site of or for a low rent housing project, or a housing project for elderly persons of low income, or consists solely of land, including land under water, with respect to which an agreement has been entered into with said Authority establishing use and dimensional controls as specified in a land assembly and redevelopment, or urban renewal plan, as defined in Chapter 121 of the General Laws. Articles 8, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, and the provisions of this code establishing use, dimensional, parking, and loading requirements for any downtown district established under Section 3-1C or for

the Harborpark District established under Section 3-1D shall not apply to urban renewal areas; but except as otherwise provided in Article 6A, urban renewal areas shall be subject to all other provisions of this code applicable to the subdistrict in which the area is located.

(↑As inserted on September 7, 1967, and amended on July 2, 1968, November 23, 1984, September 2, 1993, and October 26, 1995)

↑**c. Restricted and Limited Parking Districts.** In a restricted parking district, off-street parking facilities, including parking lots, parking garages, and parking accessory or ancillary to any use other than Use Items numbered 1 through 15, shall be conditional uses which may be granted only in conformance with the provisions of Section 6-3A as well as Sections 6-2, 6-3 and 6-4.

(↑As inserted on September 27, 1973, and amended on December 30, 1983, and November 23, 1984)

↑In a limited parking district, Use Item Nos. 58 and 59, parking lot and parking garage, shall be forbidden uses. (Note: These restrictions are not applicable to land of agencies or authorities of the Commonwealth of Massachusetts or the United States of America that are not subject to municipal zoning.)

(↑As inserted on December 30, 1983)

↑**d. Adult Entertainment District.** An adult entertainment district is an overlay district in which Use Items No. 34A and 38A (adult books and adult entertainment) are allowed, and in which the prohibition of moving or flashing signs in Section 11-2 does not apply.

(↑As inserted on November 2, 1974, and amended on November 24, 1984)

↑**e. Flood Hazard Districts.** The location of and regulations for flood hazard districts are set forth in Article 25 of this code.

(↑As inserted on March 24, 1977)

↑**f. Institutional District.** Notwithstanding the provisions of Table A of Section 8-7, in an institutional district the following uses are conditional uses in instances where they would otherwise be allowed under said Table A: any use listed under Use Item No. 16, 17, 20, 22A, 28, 29, or 30. Use Item No. 72, accessory parking, shall be a conditional use if the main use to which it is accessory is in existence at the time that new or additional parking spaces are applied for and if such main use is a use listed under Use Item No. 11, 12, 13, 13A, 14, 16, 16A, 17, 18, 19, 20, 22A, 28, 29, or 30.

(↓ As inserted on June 8, 1977)

↓g. **Restricted Roof Structure Districts.** All or part of a subdistrict that is characterized by groups of buildings with identical or similar heights within such groups may be designated as a restricted roof structure district, the regulations for which are set forth in Section 16-8.

(↓ As inserted on August 20, 1981)

↓h. **Interim Planning Overlay District.** A district or group of districts or a subdistrict or group of subdistricts or parts thereof (hereafter referred to as an area) may be established as an interim planning overlay district when it is determined by the Zoning Commission that: (1) the existing zoning is thought to be inappropriate; (2) a rezoning of the area is anticipated; (3) a comprehensive planning study preceding the anticipated rezoning is needed; and (4) interim land use regulations are essential to maintain the status quo in the area and prevent introduction of changes to the area which may be incompatible with the goals of the comprehensive planning study or anticipated rezoning. The regulations governing the interim planning overlay district are set forth in Article 27.

(↓ As inserted on November 23, 1984)

↓i. **Limited Height Districts.** A limited height district may be established by map amendment which adds to the basic subdistrict designation or designations a numerical suffix indicating the maximum height in feet for buildings in such district. When such limited height district designation does not appear in the first column of Table B of Section 13-1, the dimensional requirements of such district shall be as specified in said Table B for the base district, except that the maximum height of buildings shall be as specified by such suffix.

(↓ As inserted on June 24, 1985)

↓j. **Greenbelt Protection Overlay District.** An area along a Greenbelt Roadway may be established as a Greenbelt Protection Overlay District when the Zoning Commission determines that this designation is necessary to promote the purposes stated in Section 29-1. The requirements and regulations for Greenbelt Protection Overlay Districts are set forth in Article 29.

(↓ As inserted on June 1, 1987)

↓k. **Density Limitation District.** All or part of a subdistrict that is characterized by groups of residential buildings with similar heights within such groups may be designated as a density limitation district, the regulations for which are set forth in Use Items No. 8 and No. 8A of Table A in Section 8-7. For purposes of this section, usable interior living area is the area of a dwelling unit in a structure as measured by

the interior faces of the walls of the unit, but excluding therefrom areas excluded from gross floor area as defined by Section 2-1(21), but also excluding any open space or open or enclosed porches, balconies or decks.

(↓As inserted on September 23, 1987)

↓SECTION 3-1B. **Neighborhood District.** A district or group of districts or a subdistrict or group of subdistricts or parts thereof (hereafter referred to as an area) may be designated as a neighborhood district after a planning study of the area has been conducted. The regulations governing any such neighborhood district are set forth in an article of this code pertaining to such district. The boundaries of any such neighborhood district are shown on the "Zoning Districts City of Boston" maps, as amended, or supplements thereto. A subdistrict or subdistricts within a neighborhood district may be distinguished on such maps or supplements by the addition of the letter "N" to the designation of such subdistrict or subdistricts.

(↓As inserted on July 15, 1988 and amended on April 22, 1991)

↓SECTION 3-1C. **Downtown District.** A district or group of districts or a subdistrict or group of subdistricts or parts thereof (hereafter referred to as an area) may be designated a downtown district after a planning study of the area has been conducted. The regulations governing any such downtown district are set forth in an article of this code pertaining to such district. The boundaries of any such downtown district are shown on the "Zoning Districts City of Boston" maps, as amended, or supplements thereto. Downtown districts are listed in Section 3-1(e). The provisions of this code establishing use, dimensional, parking, and loading requirements for the downtown districts shall not apply to urban renewal areas established under Section 3-1A.b.

(↓As inserted on March 20, 1989 and amended on October 26, 1995)

↓SECTION 3-1D. **Harborpark District.** The Harborpark District is established pursuant to the provisions of Article 42A, 42B, 42E, and 42F. The provisions of this code establishing use, dimensional, parking, and loading requirements for the Harborpark District shall not apply to urban renewal areas established under Section 3-1A.b.

(↓As inserted on April 27, 1990 and amended on June 14, 1990, January 28, 1991, and October 26, 1995)

↓SECTION 3-1E. **Special District.** A district or group of districts or a subdistrict or group of subdistricts or parts thereof (hereafter referred to as an area) may be designated a special district after a planning study of the area has been conducted. The regulations governing any such special district are set forth in an article of this code pertaining to such district. The boundaries of any such special district are shown

on the "Zoning Districts City of Boston" maps, as amended, or supplements thereto. Special districts are listed in Section 3-1(h).

(↑As inserted on June 7, 1991)

SECTION 3-2. Interpretation of District Boundaries. Where a district boundary is indicated on a map constituting part of this code as approximately following, or parallel to, the center line or side line of a street, highway, railroad right-of-way, or water course, such boundary shall be construed as following, or as being parallel to, such center line or side line. Where a district boundary is indicated on such a map as approximately following a lot line, such line shall be construed to be said boundary. If no distance is indicated on such a map for a district boundary running parallel to the center line or side line of a street or highway, such dimension shall be assumed to be one hundred feet from such line or, if as determined by the use of the scale shown on such map it is at least twenty feet more, or twenty feet less, than one hundred feet, it shall be as so scaled.

APPENDIX A to ARTICLE 3

Downtown Districts and Neighborhood Districts

Downtown Districts

Cambridge Street North District
Bulfinch Triangle District
Chinatown District
Government Center/Markets District
Huntington Avenue/Prudential Center District
Leather District
Midtown Cultural District
North Station Economic Development Area
South Station Economic Development Area

Neighborhood Districts

Allston-Brighton Neighborhood District
Beth Israel Hospital Institutional District
City Square Neighborhood District
Dana-Farber Cancer Institute Institutional District
Dorchester Avenue Neighborhood District
East Boston Neighborhood District
Greater Mattapan Neighborhood District
Jamaica Plain Neighborhood District
Massachusetts College of Pharmacy Institutional District
Mission Hill Neighborhood District
New England Deaconess Hospital Institutional District
North End Neighborhood District
Port Norfolk Neighborhood District
Roxbury Neighborhood District
Saint Vincent Neighborhood District
West Roxbury Neighborhood District

ARTICLE 4

APPLICATION OF REGULATIONS

SECTION 4-1. Conformity of Buildings and Land. Except as provided in Chapter 665 of the Acts of 1956 as now in force or hereafter amended or in this code, no structure or land shall be used or occupied, and no structure or part thereof shall be erected, reconstructed, extended, or altered except in conformity with the regulations specified in this code for the district in which it is located; provided, however, that nothing in this code shall prevent the strengthening or restoring to a safe condition of any portion of a structure declared unsafe by the Building Commissioner or any other board or officer authorized by law to do so.

SECTION 4-2. Structure or Use Approved Prior to Effective Date of Code. Nothing herein contained shall affect any structure or use for which a building or use permit is lawfully issued prior to the effective date of this code; provided, that construction work under such building permit, or occupancy under such use permit, is commenced within six months of the date of such permit and proceeds in good faith continuously so far as is reasonably practical under the circumstances; and provided further that all construction work is completed within two years from the effective date of this code and in accordance with the building permit as in effect on said effective date.

↕ **SECTION 4-2A. Applicability of MER District Provisions.** Within an MER District, the provisions of the Boston Zoning Code adopted in Text Amendment No. 110, effective August 30, 1988, do not apply to a use, building, or structure that:

- a. (i) prior to August 30, 1988, existed or was under construction on a privately-owned lot, or was under construction or was designated to be constructed on a lot owned by a public agency; (ii) was the subject of a contract, designation, or lease or other property interest that was executed, voted, or conveyed by the public agency or private owners, as the case may be, prior to August 30, 1988; and, (iii) in the case of a use, building, or structure on a lot owned by a public agency, was approved by the public agency prior to August 30, 1988; and, further,
- b. (i) does not preclude the lot on which such use, building, or structure is located from being converted to maritime-dependent industrial uses; (ii) does not deter viable economic maritime-dependent industrial uses of adjacent port lands; and (iii) devotes more than fifty percent (50%) of the area of such lot to maritime-dependent industrial uses; provided that the total lot area devoted to maritime-dependent industrial uses and water-related uses is not less than seventy-five percent (75%) of the area of such lot; and provided further, that the remaining twenty-five percent (25%) of

the total lot area shall be subject to use regulations applicable to W-2 subdistricts pursuant to Section 8-7, Table A.

(↑As inserted on August 30, 1988)

SECTION 4-3. Building or Use Permit Required. It shall be unlawful to use, or permit the use of, any land or structure or part thereof hereafter erected, or altered wholly or partly, or the yards or other open spaces of which are in any way reduced, until the Building Commissioner shall have certified on the building permit, or if no building permit is needed, shall have issued a use permit specifying, the use to which the land or the structure upon being sufficiently completed to comply with the provisions and regulations relating thereto, may be put.

ARTICLE 5

ADMINISTRATION AND PROCEDURE

SECTION 5-1. Enforcement. It shall be the duty of the Building Commissioner to enforce the provisions of this code.

SECTION 5-2. Procedure for Appeal. Every appeal to the Board of Appeal shall be in writing and on a form prescribed by said Board. Every such appeal shall refer to the specific provisions of this code involved, and shall exactly set forth the interpretation that is claimed, the conditional use for which permission is sought, or the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted, as the case may be. A copy of every decision of the Board of Appeal on a matter on which the Boston Redevelopment Authority has filed a report shall be transmitted by said Board to said Authority.

↕ **SECTION 5-3. Limitation on Appeal.** If an appeal for an interpretation, conditional use, or variance is decided by the Board of Appeal adversely to the appellant, no appeal for the same interpretation, conditional use, or variance shall be considered on its merits by said Board within one year after such adverse decision, except with the concurring vote of not less than five of the members of said Board.

(↕ As amended on July 31, 1997)

↕ **SECTION 5-4. Estimated Cost of a Hearing on a Proposed Amendment.** The estimated average cost to the City of a hearing before the Zoning Commission on a proposed amendment of this code is hereby established as two hundred and seventy-five dollars.

(↕ As amended on May 26, 1970, August 18, 1980, April 22, 1985, and September 17, 1990)

↕ **SECTION 5-5. Authorization of Commissioner of Inspectional Services Department to Hold Permit Application in Pending Status.** If the Zoning Commission gives public notice of an amendment to this code proposing a change in or addition to its provisions, either in its text or in its maps, which may affect a permit application then in process before the Commissioner of the Inspectional Services Department, the Commissioner may hold such application in a pending status until the date by which the Zoning Commission according to its own procedural rules and regulations must decide to either adopt or reject the proposed amendment or until the effective date of a decision by the Zoning Commission on the proposed amendment which originally allowed the Commissioner to hold such application in a pending status, whichever occurs first; provided that the Commissioner may act on the application if the application meets the more restrictive or additional provisions, or if

the Zoning Commission fails to act on the first proposed zoning change affecting a permit application within the time period established by its own rules and regulations.

(↑ As inserted on July 27, 1987)

ARTICLE 6

CONDITIONAL USES

↑SECTION 6-1. **Permit for Conditional Uses.** As provided for in Section 10 of Chapter 665 of the Acts of 1956, as now in force or hereafter amended, and in Section 8-3 of this code, and subject to the provisions of Sections 6-2, 6-3, 6-3A and 6-4, the Board of Appeal may, in a specific case after public notice and hearing, grant permission for a use specified in Table A of Section 8-7 or other provision of this code as a conditional use; provided, however, that such permission shall lapse and become null and void unless such conditional use is commenced within two years after the record of said Board's proceedings pertaining thereto is filed in the office of the Building Commissioner pursuant to Section 8 of said Chapter 665.

(↑As amended on September 27, 1973 and April 27, 1990)

↑SECTION 6-2. **Procedure for Appeal.** Each appeal for a conditional use shall be filed in quadruplicate with the Building Commissioner, who shall retain one copy for his files and transmit the other copies as follows: one to the Board of Appeal, one to the Boston Redevelopment Authority, and the other to the Zoning Commission. The Boston Redevelopment Authority shall, within thirty days after the date of such transmittal, file with the Board of Appeal a report with recommendations, together with material, maps or plans to aid the Board of Appeal in judging the appeal and determining special conditions and safeguards. The Board of Appeal shall not hold a hearing nor render any decision on an appeal for a conditional use until such report with recommendations has been received and considered, provided that if no such report is received within said thirty days, the Board of Appeal may hold a hearing and render its decision without such report.

(↑As amended on May 26, 1970)

↑SECTION 6-3. **Conditions Required for Approval.** The Board of Appeal shall grant any such appeal only if it finds that all of the following conditions are met:

- (a) the specific site is an appropriate location for such use or, in the case of a substitute nonconforming use under Section 9-2, such substitute nonconforming use will not be more objectionable nor more detrimental to the neighborhood than the nonconforming use for which it is being substituted;
- (b) the use will not adversely affect the neighborhood;
- (c) there will be no serious hazard to vehicles or pedestrians from the use;

- (d) no nuisance will be created by the use;
- (e) adequate and appropriate facilities will be provided for the proper operation of the use;
- (f) if such appeal relates to a Development Impact Project, as defined in Section 80B-7, the applicant shall have complied with the Development Impact Project Exaction requirements set forth in Section 80B-7.3; and
- (g) if such appeal relates to a Proposed Project in an area designated a Greenbelt Protection Overlay District as defined in Section 29-2, the Applicant shall have complied with the requirements set forth in Section 29-3 and Section 29-5 and the standards set forth in Section 29-6.

(↑As amended on December 29, 1983, February 27, 1986, June 1, 1987 and May 9, 1996.)

↓SECTION 6-3A. **Additional Conditions Required for Approval of Parking Facilities in a Restricted Parking District.** In a restricted parking district, the Board of Appeal shall grant a conditional use for an off-street parking facility, whether a parking lot, a public garage, or parking which is accessory or ancillary to any use other than Use Items numbered 1 through 15, only if the Board of Appeal finds that said facility meets one or more of the following conditions:

- a. It will serve a traffic demand not adequately provided for by public transportation; or
- b. It will replace existing off-street parking spaces in one or more nearby parking facilities, or it will replace legal on-street parking spaces that have been physically eliminated through permanent modification or demolition; or
- c. It is accessory or ancillary to a use which by its nature does not contribute significantly to traffic flows during peak traffic periods; or
- d. The facility constitutes a temporary parking lot use of land and that serious intent to reuse the land for an allowed use within a specified period of time has been demonstrated to the satisfaction of the Board of Appeal.

(↑As inserted on September 27, 1973, and amended on September 2, 1976)

SECTION 6-4. **Other Conditions Necessary as Protection.** In approving a conditional use, the Board of Appeal may attach such conditions and safeguards as it

deems necessary to assure harmony with the general purposes and intent of this code, such as, but not limited to, the following:

- (a) requirement of front, side, and rear yards greater than the minimum required by this code;
- (b) requirement of screening of parking areas and other parts of the lot from adjoining lots or from the street, by walls, fences, planting, or other devices;
- (c) modification of the exterior features or appearance of the structure;
- (d) limitation of size, number of occupants, method and time of operation, and extent of facilities;
- (e) regulation of number, design, and location of access drives and other traffic features; and
- (f) requirement of off-street parking and other special features beyond the minimum required by this or other applicable codes or regulations.

↕ **SECTION 6-5. Effect of Non-Use of Conditional Use.** If a structure or land is being lawfully used for a conditional use, whether lawfully existing on the date of this code, made conditional by amendment thereof, or granted by the Board of Appeal under Sections 1 through 4 of this article, in order not to unduly prolong the life of such conditional use, subsequent non-use of such conditional use for a period of twenty-four consecutive calendar months shall terminate the right to use such structure or land for such conditional use. For purposes of this section, whenever a structure or land is not being actively used for such conditional use, there shall be deemed to be a non-use of such conditional use.

(↕ Inserted on May 13, 1976)

Historical note: Former Section 6-5, entitled Exceptional Relief within Urban Renewal Areas and Public Housing Projects, was inserted on September 7, 1967 and repealed on July 2, 1968.

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↑ARTICLE 6A

OTHER EXCEPTIONS

(↑Article inserted on April 30, 1968)

↑SECTION 6A-1. **Authorization for Exceptions in Planned Development and Urban Renewal Areas; in Downtown Districts, Special Districts, and the Harborpark District as Specified in the Articles Governing Such Districts; to Setback of Parapet Requirements in B-6-90a, B-6-90b, B-8-120a, and B-8-120c Districts; to the Requirements of Section 16-6(f) in a B-8-120c District, and to the Requirement of Section 25-5.8 in a V Zone Flood Hazard District.** As provided for in Section 10 of Chapter 665 of the Acts of 1956, as now in force or hereafter amended, and subject to the provisions of Sections 6A-2, 6A-3 and 6A-4, the Board of Appeal may, in a specific case after public notice and hearing, allow an exception from the provisions of this code. Such exception shall lapse and become null and void unless (a) such exception is used within two years after the record of said Board's proceedings pertaining thereto is filed with the Building Commissioner pursuant to Section 8 of said Chapter 665, or (b) such exception relates to work in a planned development area of not less than 5 acres, or to the use thereof, and within such two year period the Boston Redevelopment Authority files with the Building Commissioner a certificate that work within said planned development area has been commenced and is diligently proceeding in which case such exception shall not lapse unless thereafter said Authority files with the Building Commissioner a certificate that such work is not diligently proceeding.

(↑As amended on December 29, 1982, April 2, 1987, March 20 and September 13, 1989, March 20, April 27, and December 6, 1990, and June 7, 1991)

↑SECTION 6A-2. **Procedure for Appeal.** Each appeal for an exception shall be filed in quadruplicate with the Building Commissioner, who shall retain one copy for his files and transmit the other copies as follows: one to the Board of Appeal, one to the Boston Redevelopment Authority, and the other to the Zoning Commission. Said Authority shall, within thirty days after the date of such transmittal, file with the Board of Appeal a report with recommendations, together with material, maps, or plans to aid the Board of Appeal in judging the appeal and determining what conditions and safeguards may be necessary or appropriate. The Board of Appeal shall not hold a hearing nor render a decision on an appeal for an exception until such report with recommendations has been received and considered, provided that if no such report is received within said thirty days, the Board of Appeal may hold a hearing and render its decision without such report.

(↑As amended on May 26, 1970)

↑SECTION 6A-3. **Conditions Required for Exception.** The Board of Appeal shall allow an exception only if it finds:

- (a) That such exception is in harmony with the general purpose and intent of this code;
- (b) The exception requested is in conformity with one or more of the following, as applicable: (i) the development plan for the planned development area or (ii) the land assembly and redevelopment or urban renewal plan, or the low rent housing project or housing project for elderly persons of low income for the urban renewal area, or (iii) the plan adopted by the Boston Redevelopment Authority for the downtown district involved, or for the Harborpark District, and such conformity has been certified to by the Boston Redevelopment Authority; or if the exception relates to a setback of parapet requirement in a B-6-90a, B-6-90b, B-8-120a, or B-8-120c district, the Boston Redevelopment Authority has certified to the Board of Appeal that the proposed project has been subject to design review; or if the exception relates to the requirement of Section 25-5.8 concerning the location of a structure in a high hazard coastal (V zone) district, the project has received a Conditional Letter of Map Revision (CLOMR) from the Federal Emergency Management Agency; and
- (c) If such exception relates to a Development Impact Project, as defined in Section 80B-7, the applicant shall have complied with the Development Impact Project Exaction Requirements set forth in Section 80B-7.3.

(↑As amended on December 29, 1983, February 27, 1986, April 2, 1987, March 20 and September 13, 1989, April 27 and December 6, 1990, and May 9, 1996.)

SECTION 6A-4. **Other Conditions Necessary as Protection.** In allowing an exception, the Board of Appeal may attach such conditions and safeguards as it deems necessary to insure harmony with the general purposes and intent of this code.

ARTICLE 7

VARIANCES

SECTION 7-1. Authorization for Variance. As provided for in Section 9 of Chapter 665 of the Acts of 1956, as now in force or hereafter amended, and subject to the provisions of Sections 7-2, 7-3 and 7-4, the Board of Appeal may, in a specific case after public notice and hearing, grant a variance from the terms of this code; provided, however, that such grant shall lapse and become null and void unless such variance is used within two years after the record of said Board's proceedings pertaining thereto is filed in the office of the Building Commissioner pursuant to Section 8 of said Chapter 665.

↓**SECTION 7-2. Procedure for Appeal.** Each appeal for a variance shall be filed in quadruplicate with the Building Commissioner, who shall retain one copy for his files and transmit the other copies as follows: one to the Board of Appeal, one to the Boston Redevelopment Authority, and the other to the Zoning Commission.

In each of the following cases, the Boston Redevelopment Authority shall, within thirty days after the date of such transmittal, file with the Board of Appeal a report with recommendations, together with material, maps or plans to aid the Board of Appeal in judging the appeal and determining special limitations and safeguards:

- (a) an appeal for the erection or alteration of a building to a height greater than that authorized by this code;
- (b) an appeal for a nonconforming use of land with an area of more than 20,000 square feet;
- (c) an appeal for a nonconforming use of an existing building or buildings with a gross floor area in excess of 2,000 square feet or a floor area ratio more than fifty percent greater than that permitted in the district in which it or they are located; and
- (d) an appeal for a commercial or industrial use in a residential district, on a parcel of land not previously used for a commercial or industrial purpose.

In any other case, the Boston Redevelopment Authority may, within thirty days after the date of such transmittal, file with the Board of Appeal a report with recommendations in connection with the appeal for variance therein.

The Board of Appeal shall not hold a hearing nor render any decision on an appeal for a variance until such report with recommendations has been received and

considered, provided that if no such report is received within said thirty days, the Board of Appeal may hold a hearing and render its decision without such report.

(↑As amended on May 26, 1970)

↓SECTION 7-3. **Conditions Required for Variance.** The Board of Appeal shall grant a variance only if it finds that all of the following conditions are met:

- (a) That there are special circumstances or conditions, fully described in the findings, applying to the land or structure for which the variance is sought (such as, but not limited to, the exceptional narrowness, shallowness, or shape of the lot, or exceptional topographical conditions thereof) which circumstances or conditions are peculiar to such land or structure but not the neighborhood, and that said circumstances or conditions are such that the application of the provisions of this code would deprive the appellant of the reasonable use of such land or structure;
- (b) That, for reasons of practical difficulty and demonstrable and substantial hardship fully described in the findings, the granting of the variance is necessary for the reasonable use of the land or structure and that the variance as granted by the Board is the minimum variance that will accomplish this purpose;
- (c) That the granting of the variance will be in harmony with the general purpose and intent of this code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; and
- (d) That, if the variance is for a Development Impact Project, as defined in Section 80B-7, the applicant shall have complied with the Development Impact Project Exaction Requirements set forth in Section 80B-7.3, except if such variance is for a deviation from said requirements.

In determining its findings, the Board of Appeal shall take into account: (1) the number of persons residing or working upon such land or in such structure; (2) the character and use of adjoining lots and those in the neighborhood; and (3) traffic conditions in the neighborhood.

(↑As amended on December 29, 1983, February 27, 1986, and May 9, 1996.)

↓SECTION 7-4. **Other Conditions Necessary as Protection.** In approving a variance, the Board of Appeal may attach such conditions and safeguards as it deems

necessary to assure harmony with the general purposes and intent of this code, such as, but not limited to, the following:

- (a) a requirement of front, side, and rear yards greater than the minimum required by this code;
- (b) requirement of screening of parking areas and other parts of the lot from adjoining lots or from the street by walls, fences, planting, or other devices;
- (c) modification of the exterior features or appearance of the structure;
- (d) limitation of the size, number of occupants, method and time of operation, and extent of facilities;
- (e) regulation of number, design, and location of access drives and other traffic features; and
- (f) requirement of off-street parking and other special features beyond the minimum required by this or other applicable codes or regulations.

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ARTICLE 8

REGULATION OF USES

SECTION 8-1. Uses Regulated by Districts. In each district the use of land and structures is hereby regulated as provided in the following sections.

SECTION 8-2. Allowed Uses. No land or structure in any district shall be erected, used, or arranged or designed to be used, in whole or in part, for any use except under the provisions of Section 8-3 and Article 6, unless such use is specified in the use item column of Table A of Section 8-7, and the letter "A" is set against such use in the column headed by the designation of such district. Any use so marked shall be allowed as a matter of right, subject only to the requirements set forth in the use item column.

↕ **SECTION 8-3. Conditional Uses.** No land or structure in any district shall be erected, used, or arranged or designed to be used, in whole or in part, for any use under the provisions of Article 6 unless such use is specified in the use item column of Table A of Section 8-7, and the letter "C" is set against such use in the column headed by the designation of such district. The granting of a permit for any use so marked may be authorized conditionally by the Board of Appeal acting under the provisions of Article 6, subject to the requirements set forth in the use item column. The continued right to a conditional use is dependent upon maintaining the character and extent of operations and structures.

(↕ As amended on April 11, 1979)

SECTION 8-4. Forbidden Uses. No land or structure in any district shall be erected, used, or arranged or designed to be used, in whole or in part, for any use specified in the use item column of Table A of Section 8-7 if the letter "F" is set against such use in the column headed by the designation of such district, except for such nonconforming uses as may be allowed to be continued under the provisions of Article 9.

SECTION 8-5. Uses Subject to Other Regulations. Allowed and conditional uses shall be subject, in addition to use regulations of height, area, yard, setback, lot size and area, lot width, and building bulk, to such provisions for off-street parking and loading, and to such other provisions as are specified in other sections of this code.

↕ **SECTION 8-6. Pre-Existing Conditional Uses.** Any use existing on the effective date of this code which this code classifies as a conditional use in the district in which the land occupied by the use is located, and also any use existing on the effective date of any amendment of this code which such amendment so classifies, shall be deemed to have been authorized as a conditional use subject to maintaining

the character and extent of operations and structures existing on the effective date of this code or of such amendment, as the case may be. Any application for a change in use or an increase in the area devoted to such use shall be subject to the provisions of Article 6, but no conditional use permit shall be required for the replacement of gross floor area lost by fire or other casualty.

(↑As amended on January 8, 1982)

↑SECTION 8-7. **Use Regulations.** No land or structure shall be erected, used, or arranged or designed to be used, in whole or in part, except in conformity with the following table or as otherwise provided in regulations pertaining to a special purpose overlay district, neighborhood district, downtown district, waterfront service district, waterfront manufacturing district, light manufacturing district, or the Harborpark District:

TABLE A: USE REGULATIONS

Key:

Residential	Business	Industrial	Open Space	Status
S = Single	L = Local	M = Restricted	OS* = Open	A = Allowed
R = General	B = General	I = General	Space	C = Conditional
H = Apartment		MER=Maritime		F = Forbidden
		Economy		
		Reserve		
		W = Waterfront		

See Section 3-1 for further explanation of the above districts.

For a district or subdistrict with the letter "N" added to its designation, see the article of this code pertaining to the neighborhood district within which such district or subdistrict lies.

For a downtown district, as established under Section 3-1C, see the article of this code pertaining to such downtown district.

For the Harborpark District, see Articles 42A, 42B, 42E, and 42F and other provisions of this code expressly referenced therein.

ID = Institutional District. See Section 3-1A for specific regulations.

*OS districts are not included in the table below. All uses except Use Items No. 27 and 27A are forbidden in OS districts. Use Item No. 27 is allowed and Use

Item No. 27A is conditional in OS districts, subject to the provisions of Article 33 of this code and of St. 1956, c. 665, s. 2, as amended.

(↑As amended on April 11, 1979, on January 4, July 15, and August 30, 1988, on February 1 and March 20, 1989, on April 27 and June 14, 1990, and on January 28, 1991)

		District								
NO.	USE ITEM	S	R	H	L	B	M	I	W	MER
SINGLE FAMILY DWELLINGS										
1	Detached dwelling, occupied by not more than one family	A	A	A	A	A	F	F	F	F
↑1A	Mobile home on a permanent foundation and occupied by not more than one family	C*	C*	C*	C*	C*	F	F	F	F
*Except F in a flood hazard district.										
(↑As inserted on June 29, 1984)										
2	Semi-detached dwelling occupied by not more than one family on each side of a party wall	F	A	A	A	A	F	F	F	F
3	Attached or row house occupied by not more than one family in each structure between fire walls	F	A	A	A	A	F	F	F	F
TWO-FAMILY DWELLINGS										
4	Detached dwelling occupied by not more than two families	F	A	A	A	A	F	F	F	F
5	Semi-detached dwelling occupied by not more than two families on each side of a party wall	F	A	A	A	A	F	F	F	F
6	Attached or row house occupied by not more than two families in each structure between fire walls	F	A	A	A	A	F	F	F	F

		District								
NO.	USE ITEM	S	R	H	L	B	M	I	W	MER
MULTI-FAMILY DWELLINGS										
7	Building or group of buildings for occupancy by three or more families in separate dwelling units including apartment hotel without accessory uses specified in Use Item No. 78	F	#	A	A	A	C	F	C	F
# F in R-5; A in R-8.										
GROUP CARE RESIDENCES										
↑7A	Group care residence, general, as defined in Section 2-1, clause 22A	C	C	C	C	C	C	F	F	F
(↑As inserted on November 9, 1978)										
↑7B	Group residence, limited, as defined in clause (22B) of Section 2-1	A	A	A	A	A	C	F	F	F
(↑As inserted on August 10, 1979 and amended on February 22, 1991)										
CONVERSION OF DWELLING STRUCTURES										
↑8	Any dwelling converted for more families in separate dwelling units	F	A* C↑	A* C↑	A* C↑	A* C↑	C↑	F	C↑	F
*Where structures after conversion will conform to this code; provided that, in a density limitation district, the maximum number of dwelling units with usable interior living area of (1) less than 750 square feet, in a building having a gross floor area of 2,000 or more square feet, or (2) less than 525 square feet, in a building having a gross floor area of less than 2,000 square feet, is as follows, unless										

NO.

USE ITEM

S R H L B M I W MER

after public notice and hearing and subject to the provisions of Sections 6-2, 6-3, and 6-4 the Board of Appeal grants permission for a larger number: one such unit, if the number of stories containing dwelling units is one to five inclusive; two such units, if the number of stories containing dwelling units is six or seven; and such units not limited if the number of stories containing dwelling units is eight or more.

↓ Provided that after conversion, the lot area per dwelling unit, the open space, and the off-street parking each meet not less than one-half the requirements of this code and that after conversion any nonconformity as to floor area ratio and yard dimension is no greater than prior to conversion.

(↓ As amended on April 14, 1967, April 11, 1979, and September 23, 1987)

↓8A	Any lodging or boarding house converted for three or more families in separate dwelling units	F	A* C†	A* C†	A* C†	A* C†	F	F	F	F
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*Where structures after conversion will conform to this code; provided that, in a density limitation district, the maximum number of dwelling units with usable interior living area of (1) less than 750 square feet, in a building having a gross floor area of 2,000 or more

		District								
NO.	USE ITEM	S	R	H	L	B	M	I	W	MER
	square feet, or (2) less than 525 square feet, in a building having a gross floor area of less than 2,000 square feet, is as follows, unless after public notice and hearing and subject to the provisions of Sections 6-2, 6-3, and 6-4 the Board of Appeal grants permission for a larger number: one such unit, if the number of stories containing dwelling units is one to five inclusive; two such units, if the number of stories containing dwelling units is six or seven; and such units not limited if the number of stories containing dwelling units is eight or more.									
	†Provided that after conversion the lot area per dwelling unit, the open space, and the off-street parking each meet not less than one-half the requirements of this code and that after conversion any non-conformity as to floor area ratio and yard dimension is no greater than prior to conversion.									
	(‡As inserted on September 23, 1987)									
	TEMPORARY DWELLINGS									
9	Temporary dwelling structure	C	C	C	C	C	C	C	C	F
	LODGING HOUSES, DORMITORIES, HOTELS, etc.									
‡10	Lodging or boarding house	F	C	C	A*	A*	F	F	F	F
	*Except C in L-2-65 and B-3-65.									

NO.	USE ITEM	District								
		S	R	H	L	B	M	I	W	MER
	(↑As amended on September 16, 1965, February 17, 1971, March 20, 1972, March 28, 1975, October 19, 1978, and October 31, 1980)									
↓11	Dormitory on the same lot as, and accessory to, a use specified in Use Item No. 16A or Use Item No. 18 on a lot of three acres or more	C	C	C*	C	C	F	F	F	F
	*Except F in H-2-65.									
	(↑As amended on September 16, 1965, December 5, 1966, May 26, 1970, February 17, 1971, March 20, 1972, and February 28, 1979)									
↓12	Dormitory on the same lot as, and accessory to, a use specified in Use Item No. 16A or Use Item No. 18 on a lot of less than three acres	C	C	C*	C	C	F	F	F	F
	*Except F in H-2-65.									
	(↑As amended on December 5, 1966, May 26, 1970, February 17, 1971, March 20, 1972, and February 28, 1979)									
↓13	Dormitory not upon the same lot as, but accessory to, a use specified in Use Item No. 16A or Use Item No. 18	C	C	C*	C	C	F	F	F	F
	*Except F in H-2-65.									
	(↑As amended on December 5, 1966, May 26, 1970, February 17, 1971, March 20, 1972, and February 28, 1979)									

District

NO.	USE ITEM	S	R	H	L	B	M	I	W	MER
↑13A	Dormitory not accessory to a use specified in Use Item No. 16A or Use Item No. 18	F	C	C*	C	C	F	F	F	F
	*Except F in H-2-65 and H-3-65.									
	(↑As inserted on February 3, 1966, and amended on December 5, 1966, May 26, 1970, February 17, 1971, March 20, 1972, October 19, 1978, and October 31, 1980)									
↑14	Fraternity or sorority house	F	C	C*	C	C	F	F	F	F
	*Except F in H-2-65, H-3-65 and H-5.									
	(↑As amended on September 16, 1965, December 5, 1966, May 26, 1970, February 17, 1971, March 20, 1972, February 28, 1979, and October 31, 1980)									
↑15	Hotel; motel; apartment hotel	F	F	C*	#	A	F	F	F	F
	*Except F in H-2-65 and H-3-65.									
	#F in L-.5 and L-1; A in L-2; C in L-2-65.									
	(↑As amended on October 22, 1974, October 19, 1978, and October 31, 1980)									
	EDUCATIONAL INSTITUTIONS									
↑16 ID	Elementary or secondary school attendance at which satisfies the requirements of the compulsory education laws of the Commonwealth of Massachusetts	A*	A*	#	A*	A [↑]	C	F	C	F

		District									
NO.	USE ITEM	S	R	H	L	B	M	I	W	MER	
	Provided that no play space or parking area is nearer any lot line than the front yard depth required by this code for the lot, and that the requirements of St. 1956, c.665, s.2, where apt, are met. #A except C* in H-2-65 and except C* in H-3-65 if an elementary school and F in H-3-65 if a secondary school. †Subject to St. 1956, c.665, s.2. (‡As amended on September 7, 1967, May 26, 1970, October 19, 1978, April 11, 1979, and October 31, 1980)										
‡16A	College or university granting degrees by authority of the Commonwealth of Massachusetts	C	C	C*	C	C	C	C	F	F	
	*Except F in H-2-65 and H-3-65; provided, however, that the use shall be C in these districts if it will occupy space being used by the same educational institution for Use Item No. 11, 12, 13, 20, 24, or 79 at the time that such change in use is proposed. (‡As amended on September 7, 1967, May 26, 1970, November 23, 1979, and October 31, 1980)										
‡17 ID	Day care center; nursery school; kindergarten	C	C*	A*	A	A	A	A	C	F	

District

NO.

USE ITEM

S R H L B M I W ME

+Except A in an R-.8 district,
provided that the facility
accommodates no more than 60
children and the use is accessory
to Use Item 16, 16A, 20, 21, 27,
28, or 29; otherwise C.

*Provided that the facility
accommodates no more than 60
children; otherwise conditional;
and except C in H-2-65 and
H-3-65 regardless of the number
of children accommodated.

(↓As amended on March 20, 1972,
June 7 and October 22, 1974,
October 19, 1978, April 11,
1979, and October 31, 1980)

↓18 Trade, professional or other school F F C* C C C C C F

*Except F in H-2-65 and H-3-65.

(↓As amended on May 26, 1970,
October 19, 1978, and October 31,
1980)

↓19 Machine shop or other noisy activity
accessory to a school, college or
university C* C* C*↑ C* C* C C C F

↑Except F in H-2-65 and H-3-65.

*Provided that it is located at least
one hundred feet from all lot lines
and in the opinion of the Board of
Appeal is adequately sound-insulated
to protect the neighborhood from
unnecessary noise.

District

NO.	USE ITEM	S	R	H	L	B	M	I	W	MER
	(↑As amended on May 26, 1970, October 19, 1978, and October 31, 1980)									
	OTHER INSTITUTIONAL USES									
↓20 ID	Library or museum, not conducted for profit and not accessory to a use listed under Use Item No. 16A, 18, 22, 23, or 24	A	A	A	A	A	A	A	C	F
	(↑As amended on July 9, 1973, October 19, 1978, April 11, 1979, October 31, 1980, and January 8, 1982)									
↓20A	Library or museum not conducted for profit, and accessory to a use listed under Use Item No. 16A, 18, 22, 23, or 24, whether or not in the same lot	C*	C*	C*	C*	C*	C*	C*	C*	F
	*Except A if accessory to Use Item No. 22 and if at least one of the provisos in the footnote of Use Item 22 is met.									
	(↑As inserted on January 8, 1982)									
↓21	Place of worship; monastery; convent; parish house	A	A	A*	A*	A	A	A	A	F
	*Except C in H-2-65, H-3-65 and L-2-65.									
	(↑As amended on April 14, 1967, October 19, 1978, and October 31, 1980)									

District

NO.	USE ITEM	S	R	H	L	B	M	I	W	MER
↑22	Hospital or sanatorium not providing custodial care for drug addicts, alcoholics or mentally ill or mentally deficient persons; clinic or professional offices accessory to a hospital or sanatorium whether or not on the same lot	F	F	C*	C*	C*	F	F	F	F

*Except A provided that (1) the land or structure occupied by such use is located in an urban renewal area (U) overlay district or planned development area (D) overlay district as those areas are defined in Section 3-1A; or (2) such use is the subject of an application for determination of need filed on or before October 22, 1981, with the Department of Public Health of the Commonwealth under Section 25C of Chapter 111 of the General Laws, and such application, as it may be amended or modified, has been granted either prior or subsequent to October 22, 1981, or (3) an extension of a pre-existing structure contains no more than 2,500 square feet of gross floor area or a free standing building contains no more than 500 square feet of gross floor area and, in either case, occupies land in medical institutional use prior to October 22, 1981, or (4) such use will occupy interior space being used by the same institution for Use Item No. 20A, 22, 24, 29, 77 or 79 at the time such change is proposed.

District

NO.	USE ITEM	S	R	H	L	B	M	I	W	MER
	(↑As amended on April 14, 1967, June 8, 1977, October 19, 1978, July 11, 1979, October 31, 1980, and January 8, 1982)									
↑22A ID	Convalescent, nursing or rest home; home for the aged; orphanage; or similar institution not for correctional purposes	F	F	A*	A*	A*	F	F	F	F
	*Provided that custodial care is not provided for drug addicts, alcoholics or mentally ill or mentally deficient persons.									
	(↑As amended on April 14, 1967, June 8, 1977, and April 11, 1979)									
↑23	Any use listed under Use Item No. 22 or 22A providing custodial care for drug addicts, alcoholics or mentally ill or mentally deficient persons	F	F	F	C	C	C	C	F	F
	(↑As amended on October 19, 1978)									
↑24	Scientific research and teaching laboratories not conducted for profit and accessory to a use listed under Use Item No. 16, 16A, 18, 22, or 23, whether or not on the same lot, provided that all resulting cinders, dust, flashing, fumes, gases, odors, refuse matter, smoke and vapor are effectively confined to the lot or so disposed of as not to be a nuisance or hazard to health or safety; and provided also that no noise or vibration is perceptible									

District

NO.	USE ITEM	S	R	H	L	B	M	I	W	MEH
	without instruments more than fifty feet from the lot or any part of the lot	F	F	C*	C*	C*	C*	C*	C*	F
	*Except A if accessory to Use Item No. 16 and also A if accessory to Use Item No. 22 and at least one of the provisos in the footnote of Use Item No. 22 is met. (↓As amended on July 9, 1973, October 19, 1978, October 31, 1980, and January 8, 1982)									
25	Penal or correctional institution; detention home	F	F	F	F	C	C	C	F	F
↓26	a. New cemetery	C	C	C	C	C	C	C	C	F
	b. Extension of a cemetery existing on the effective date of this code	A	A	A	A	A	A	A	F	F
	c. Mortuary chapel in a cemetery . . .	A*	A*	A*	A*	A*	A*	A*	F	F
	*Provided that such chapel is located more than one hundred and fifty feet from every lot line of the cemetery that abuts land in a S, R or H district that is not part of a cemetery.									
	d. Crematory in a cemetery	A*	A*	A*	A*	A*	A*	A*	F	F
	*Provided that such crematory is located more than three hundred feet from every lot line of the cemetery that abuts land in a S, R or H district that is not part of a cemetery.									

District

NO.	USE ITEM	S	R	H	L	B	M	I	W	MER
e.	Columbarium in a cemetery	A	A	A	A	A	A	A	F	F

(↑As amended on April 11, 1979)

RECREATIONAL USES

↑27	Open space in public ownership dedicated to or appropriated for active or passive recreational use or to the conservation of natural resources; including but not limited to the waterway areas, beaches, reservations, parks, and playgrounds within the boundaries of the City of Boston; or, open space in private ownership for active or passive recreational use or for the conservation of natural resources. In an OS district there shall be no structures except those accessory to open space uses, in accordance with Use Item No. 27A	A*	A*	A*	A*	A*	A	A	A	F
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*Subject to St. 1956, c. 665, s.2, as amended.

(↑As amended on January 4 and October 12, 1988)

↑27A	Open space recreational building, a structure on an open space area that is necessary and/or appropriate to the enhanced enjoyment of the particular open space area	C*	C*	C*	C*	C*	C	C	C	F
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In an OS district, such structure is C and, further, is subject to the provisions of Article 33.

*Subject to St. 1956, c. 665, s.2, as amended.

		District								
NO.	USE ITEM	S	R	H	L	B	M	I	W	MER
	(↑As inserted on January 4, 1988 and amended on October 12, 1988)									
↓28 ID	Private grounds for games and sports not conducted for profit	A*	A*	A*	A	A	C	C	C	F
	*Provided (1) that no parking area or active outdoor recreation area is nearer any lot line than the front yard depth required by this code for the lot, and (2) that, unless after public notice and hearing and subject to the provisions of Sections 6-2, 6-3 and 6-4, the Board of Appeal grants permission therefor, there are no accommodations for spectators nor outdoor floodlights nor any indoor or outdoor activity which is in itself noisy.									
	(↑As amended on April 11, 1979)									
↓29 ID	Adult education center building; community center building; settlement house	A*	A*	A*↑	A↑	A	C	C	C	F
	*Provided (1) that no parking area or active outdoor recreation area is nearer any lot line than the front yard depth required by this code for the lot, and (2) that, unless after public notice and hearing and subject to the provisions of Sections 6-2, 6-3, and 6-4, the Board of Appeal grants permission therefor, there are no accommodations for spectators nor outdoor floodlights nor any indoor or outdoor activity which is in itself noisy.									

District

NO.	USE ITEM	S	R	H	L	B	M	I	W	MER
	†Except C in H-2-65, H-3-65 and L-2-65. (↑As amended on October 19, 1978, April 11, 1979, and October 31, 1980)									
↓30 ID	Private club (including quarters of fraternal organizations) operated for members only *Provided (1) that no parking area or active outdoor recreation area is nearer any lot line than the front yard depth required by this code for the lot, and (2) that there are no accommodations for spectators nor outdoor floodlights nor any indoor or outdoor activity which is in itself noisy. †Except C in B-3-65. (↑As amended on April 17, 1974, October 19, 1978, April 11, 1979, and October 31, 1980) PUBLIC SERVICE USES	F	C*	C*	C	A†	C	C	C	F
31	Public service pumping station; public service sub-station, automatic telephone exchange *Provided that the structure is essential to service in the residential area in which it is located, that no business office nor any storage building or yard is maintained in connection with	C*	C*	C*	A†	A†	A	A	A	F

		District								
NO.	USE ITEM	S	R	H	L	B	M	I	W	MER
	it, and that the requirements of St. 1956, c. 665, s.2, where apt, are met.									
	↑Subject to St. 1956, c. 665, s.2.									
32	Telephone exchange (other than automatic)	F	F	F	A*	A	A	A	C	F
	*Provided that it is essential to service in the area in which it is located.									
↑33	Fire station; police station	A*	A*	A*	A*	A*	A	A	A	F
	*Subject to St. 1956, c. 665, s.2.									
	(↑As amended on April 14, 1967)									
	RETAIL BUSINESS									
↑34	Store primarily serving the local retail business needs of the residents of the neighborhood, but not constituting a business as described in Use Item No. 34A, including, but not limited to, store retailing one or more of the following: food, baked goods, groceries, packaged alcoholic beverages, drugs, tobacco products, clothing, dry goods, books, flowers, paint, hardware and minor household appliances	F	F	F	A*	A+	A	A	C	F
	*Except C in all L and in B-1 and B-2 districts if the hours during which such establishment is open to the public begin before 6 A.M. or extend beyond 12 midnight, or if such merchandise is sold or									

District

NO.	USE ITEM	S	R	H	L	B	M	I	W	MER
	displayed out of doors on the premises of such store.									
	+Except C if merchandise is sold or displayed out of doors on the premises of such store.									
	(↑As amended on May 26, 1972, June 7, 1978, and October 14, 1981, and July 15, 1988)									
↓34A	A shop for the barter, rental or sale of printed matter, pictures or motion picture film, if such shop is not open to the public generally but only to one or more classes of the public excluding any minor by reason of age; or if such shop keeps a part of such stock segregated as available to only one or more classes of the public excluding any minor by reason of age; or shop for the barter, rental or sale of printed matter, pictures or motion picture film bearing a legend restricting it to adults only or to one or more classes of the public excluding any minor by reason of age	F	F	F	F	F*	F	F	F	F
	*Except A in an adult entertainment district.									
	(↑As inserted on May 26, 1972, and amended on April 11, 1973, September 27, 1973, and November 27, 1974)									

		District									
NO.	USE ITEM	S	R	H	L	B	M	I	W	MER	
↑35	Department store, furniture store, general merchandise mart, or other store serving the general retail business needs of a major part of the city, including accessory storage	F	F	F	C*	A+↑	A↑	A↑	C	F	
*The sale or display of merchandise out of doors on the premises of such store shall require a supplementary or separate conditional use permit granted by the Board of Appeal under Sections 6-2, 6-3, and 6-4. +Except C if merchandise is sold or displayed out of doors on the premises of such store. ↑Except C if such use will occupy a gross floor area of seventy-five thousand (75,000) or more square feet after it is established or enlarged; provided, however, that this footnote shall not apply in an I-2 district within the area bounded on the northeast by Interstate 93, on the northwest by the Midland Division railroad right-of-way, and on the southwest by Massachusetts Avenue. (↑As amended on October 14, 1981 and December 19, 1994.)											
↑35A	Sale within a building of automotive parts, including, but not limited to, batteries, seat covers, tires, alternators, generators, carburetors, headlamps, fanbelts, motor oil, and										

		District								
NO.	USE ITEM	S	R	H	L	B	M	I	W	MER
	similar automotive parts and accessories and supplies	F	F	F	C	C	A	A	C	+
	+C if a maritime-dependent use; otherwise F.									
	(↑As inserted on November 7, 1996.)									
36	Sale of automobiles and trucks where operation is carried on within a structure	F	F	F	F	A	A	A	C	F
	RETAIL CATERING									
↑36A	Sale over the counter, not wholly incidental to a use listed under Use Item No. 34 or Use Item No. 37 or Use Item No. 50, of on-premises prepared food or drink for off-premises consumption or for on-premises consumption if, as so sold, such food or drink is ready for take-out	F	F	F	C	C	A	A	C	F
	(↑As inserted on August 12, 1971)									
	EATING PLACES AND ENTERTAINMENT									
↑37	Lunch room, restaurant, cafeteria or other place for the service or sale of food or drink for on-premises consumption, provided that there is no dancing nor entertainment other than phonograph, radio and television, and that neither food nor drink is served to, or consumed by, persons while seated in motor vehicles	F	F	F	A*	A*	A	A	C	F
	*Except C in L-2-65, B-3-65, B-6-90a, and B-8-120a.									

District

NO.

USE ITEM

S R H L B M I W MER

(↑As amended on August 12, 1971,
February 10, 1972, June 7 and
October 22, 1974, October 31,
1980, and April 2, 1987)

↑37A The maintenance and operation of
any amusement game machine in
a private club, dormitory, fraternity
or sorority house, or similar
noncommercial establishment
(other than as an accessory use
described in Use Item No. 86a)

F C C C A* A* A C F

*Except C in B-3-65, B-6-90a,
B-8-120a, B-8-120b, and M-8.

(↑As inserted on June 2, 1983
and amended on April 2, 1987)

↑38 Place for sale and consumption of
food and beverages (other than
drive-in restaurant) providing
dancing or entertainment or both;
theater (including motion picture
theater but not drive-in theater);
concert hall; dance hall; skating
rink; bowling alley; pool room;
billiard parlor; other social,
recreational or sports center
conducted for profit; or any
commercial establishment
maintaining and operating any
amusement game machine
(other than as an accessory
use described in Use Item
No. 86b or 86c); provided that
such establishment is customarily
open to the public at large and
does not exclude any minor by
reason of age as a prevailing
practice

F F F F A* # A C F

		District								
NO.	USE ITEM	S	R	H	L	B	M	I	W	MER
	*A in B-1, B-2, B-4, B-8 and B-10; C in B-3-65, B-6-90a, B-8-120a, and B-8-120b.									
	#A in M-1, M-2, M-4; C in M-8.									
	(↑As amended on April 14, 1967, April 11 and September 27, 1973, November 27, 1974, October 31, 1980, June 2, 1983, and April 2, 1987)									
↓38A	Any of the uses enumerated in Use Items 38 and 52 if such establishment is customarily not open to the public generally but only to one or more classes of the public excluding any minor by reason of age	F	F	F	F	F*	F	F	F	F
	*Except A in an adult entertainment district.									
	(↑As inserted on November 27, 1974)									
	OFFICE USES									
↓39	Office of accountant, architect, attorney, dentist, physician, or other professional person, not accessory to a main use	F	F	C*	A	A	A+	A+	C	F
	*Except F in H-2-65 and H-3-65; C in H-1, H-1-40, H-1-50, H-2, H-2-45 or H-3 only if it is within two hundred feet of an H-4, H-5, L, B, M, I or W district.									

District

NO.

USE ITEM

S R H L B M I W ME

+Except subject to Article 34, for a period of three years from its effective date. [Editor's note: The effective date of Article 34 was April 29, 1988.]

(↓As amended on February 17, 1971, March 20, 1972, July 9, 1973, October 19, 1978, February 28, 1979, October 31, 1980, June 16, 1982, April 29, 1988, June 23, 1989, and May 3, 1990)

↓39A Clinic not accessory to a main use F F C* C C C A C F

*Provided that if in an H-1, H-1-40, H-1-50, H-2, H-2-45, H-2-65 or H-3 district, it is within two hundred feet of an H-3-65, H-4, H-5, L, B, M, I or W district.

(↓As amended on October 19, 1978, February 28, 1979, October 31, 1980, June 16, 1982, and September 20, 1996.)

↓40 Real estate, insurance or other agency office F F F A A A* A* C F

*Except subject to Article 34, for a period of three years from its effective date. [Editor's note: The effective date of Article 34 was April 29, 1988.]

(↓As amended on April 29, 1988, June 23, 1989, and May 3, 1990)

		District								
NO.	USE ITEM	S	R	H	L	B	M	I	W	MER
↑41	Office building, post office, bank (other than drive-in bank) or similar establishment	F	F	F	A	A	A*	A*	C	F
	*Except subject to Article 34, for a period of three years from its effective date. [Editor's note: The effective date of Article 34 was April 29, 1988.]									
	(↑As amended on November 30, 1973, April 29, 1988, June 23, 1989, and May 3, 1990)									
↑42	Office or display or sales space of a wholesale, jobbing or distributing house	F	F	F	F	A*	A	A	A	F
	*Provided that not more than twenty-five percent of gross floor area devoted to this use is used for assembling, packaging and storing merchandise unless after public notice and hearing and subject to the provisions of Sections 6-2, 6-3 and 6-4, the Board of Appeal grants permission for a greater percentage to be so used.									
	(↑As amended on April 14, 1967)									
	SERVICE ESTABLISHMENTS									
↑43	Barber shop; beauty shop; shoe repair shop; self-service laundry; pick-up and delivery station of laundry or dry-cleaner; or similar use	F	F	F	A#	A	A	A	C	F

District

NO.	USE ITEM	S	R	H	L	B	M	I	W	MER
	#Except C if the hours during which such establishment is open to the public begin before 6 A.M. or extend beyond 12 midnight.									
	(↑As amended on April 14, 1967, and June 7, 1978)									
44	Tailor shop; hand laundry; dry-cleaning shop	F	F	F	A*	A*	A	A	C	F
	*Provided that only nonflammable solvents are used for cleaning; and in L districts, provided also that not more than five persons at a time work in the establishment.									
↓45	Laundry plant; dry-cleaning plant; rug cleaning plant	F	F	F	F	F	A	A	C	F
	(↑As amended on April 14, 1967)									
↓46	Caterer's establishment; photographer's studio; printing plant; taxidermist's shop; upholsterer's shop; carpenter's shop; electrician's shop; plumber's shop; radio and television repair shop	F	F	F	A*	A	A	A	C	F
	*Provided that not more than five persons at a time work in such establishment, studio, plant or shop.									
	(↑As amended on April 14, 1967)									
47	Funeral home; undertaker's establishment; mortuary	F	F	F	C	A	A	A	C	F

		District								
NO.	USE ITEM	S	R	H	L	B	M	I	W	MER
48	Research laboratory; radio or television studio	F	F	F	A	A	A	A	C	F
↓48A	Check cashing business	F	F	F	F	C	C	C	+	+
	+C if a maritime-dependent use; otherwise F.									
	(↓As inserted on October 6, 1994 and amended on July 31, 1997)									
49	Animal hospital or clinic; kennel; pound	F	F	F	F	A	A	A	C	F
↓49A	Container redemption center	F	F	F	F	C*	A*	A*	+	+
	All storage of beverage containers shall be located entirely within a building.									
	*Except F within fifty (50) feet of a residential district or sub-district, Open Space district or subdistrict, or Conservation Protection subdistrict.									
	+A if a maritime-dependent use; otherwise F.									
	(↓As inserted on September 30, 1993 and amended on October 6, 1994)									
	OPEN AIR AND DRIVE-IN USES									
↓50	Drive-in bank; drive-in restaurant; drive-in cafeteria; or other place for the service or sale of on-premises prepared food or drink for on-premises or off-premises consumption, providing off-street									

		District								
NO.	USE ITEM	S	R	H	L	B	M	I	W	MER
	parking facilities for its customers while doing business on the premises; outdoor sale or display for sale of garden supplies, agricultural produce, flowers and the like	F	F	F	C	C	A	A	C	F
	(↑As amended on August 12, 1971, and November 30, 1973)									
↓51	Outdoor sale or display for sale of new or used motor vehicles	F	F	F	F	C	A	A	C	F
	(↑As amended on December 9, 1975)									
↓52	Drive-in theater; stadium, or other outdoor place of assembly, operated for profit; golf driving range; other outdoor place of recreation operated for profit, provided that such establishment is customarily open to the public at large and does not exclude any minor by reason of age as a prevailing practice	F	F	F	F	C	A	A	C	F
	(↑As amended on November 27, 1974)									
↓53	Mobile home park	F	F	F	F	C*	A*	A*	C*	F
	*Except F in a flood hazard district.									
	(↑As amended on March 26, 1982)									
	WHOLESALE BUSINESS AND STORAGE									
54	Wholesale business, including accessory storage (other than of flammable liquids, gases and explosives) in roofed structures	F	F	F	F	C	A	A	A	F

		District									
NO.	USE ITEM	S	R	H	L	B	M	I	W	MER	
55	Outdoor storage of: new building materials, contractor's equipment, machinery, metals (other than scrap and junk), and the like	F	F	F	F	F	A*	A	A	F	
	*Provided that any material or equipment stored to a height greater than four feet above grade level is surrounded by a wall or tight fence not less than seven feet high.										
56	Warehouse; storage, outdoors or in silos or hoppers, of coal, coke or other solid fuel or of crushed stone, sand or similar material; storage of fifteen thousand gallons or less of flammable liquids or of ten thousand cubic feet or less of gases	F	F	F	F	F	A*	A*	A*	F	
	*Provided that all dust and dirt incident to storage or handling is effectively confined to the lot; and in M districts, provided also that any material stored to a height greater than four feet above grade level is surrounded by a wall or tight fence not less than seven feet high.										
57	Outdoor storage of second-hand lumber or other used building material, junk, scrap, paper, rags, unrepaired or uncleaned containers, or other articles; storage of more than fifteen thousand gallons of flammable liquids and of more than ten thousand cubic feet of gases; wrecking and dismantling of motor vehicles	F	F	F	F	F	F	C*	C*	F	

District

NO.	USE ITEM	S	R	H	L	B	M	I	W	MER
	*Provided the use is screened by a wall or tight fence not less than seven feet high.									
↓57A	Outdoor storage of damaged or disabled motor vehicles	F	F	F	F	F	C*	A*	C*	F
	*Provided there is no dismantling of motor vehicles or sale of used parts on the lot.									
	(↓As inserted on June 16, 1982)									
	VEHICULAR STORAGE AND SERVICE									
↓58	Parking lot	C*	C*	C↑	C+	#	A+	A+	C+	F
	*Provided that the parking lot abuts or is across the street from an L, B, M, I or W district and is operated by an establishment in such district exclusively for the parking of motor vehicles (other than trucks) of, and without charge to, its employees, customers and guests; and provided further, in either case, that no vehicle is parked in the front yard required by this code or within a distance equal to the side yard so required from any side or rear lot line adjoining a lot in an S, R or H district, that all lighting is so arranged as to shine downward and away from streets and adjoining lots, and that the parking lot is adequately screened from all streets and adjoining lots.									

		District									
NO.	USE ITEM	S	R	H	L	B	M	I	W	MER	
	†Except F in H-2-65 and H-3-65; also F unless the parking lot either is operated exclusively for the parking of motor vehicles (other than trucks) of persons living in the neighborhood, or abuts or is across the street from a L, B, M, I or W district and is operated by an establishment in such district exclusively for the parking of motor vehicles (other than trucks) of, and without charge to, its employees, customers and guests; and provided further, in either case, that no vehicle is parked in the front yard required by this code or within a distance equal to the side yard so required from any side or rear lot line adjoining a lot in a S, R or H district, that all lighting is so arranged as to shine downward and away from streets and adjoining lots and that the parking lot is adequately screened from all streets and adjoining lots. #A+ in B-1 and B-2; C+ in other B districts. +Except C in a restricted parking district and except F in a limited parking district. (↑As amended on May 30, 1969, February 17, 1971, September 27, 1973, October 19, 1978, October 31, 1980, and December 30, 1983)										

		District									
NO.	USE ITEM	S	R	H	L	B	M	I	W	MER	
↑59	Parking garage	F	F	C*	C↑	A↑	A↑	A↑	C↑	F	
*Provided that the parking garage is operated exclusively for the parking of motor vehicles (other than trucks) of persons living in the neighborhood except that gasoline and oil may be sold if sales thereof are limited to tenants of the garage and are completely consummated entirely within the garage. ↑Except C in a restricted parking district and except F in a limited parking district. (↑As amended on September 27, 1973, and December 30, 1983)											
↑59A	Airport-related remote parking facility	F	F	F	C*	C*	A*	A*	C*+	F	
*Except F in: (a) a restricted parking district; (b) a limited parking district; (c) the area of North Dorchester bounded on the north by Southampton Street, on the west and east by the Roxbury and Dorchester Avenue Neighborhood Districts, respectively, and on the south by Dudley, Stoughton, and Thornley Streets. +C if a maritime-dependent use; otherwise F. (↑As inserted on November 21, 1996.)											

		District									
NO.	USE ITEM	S	R	H	L	B	M	I	W	MER	
↓60	Repair garage; gasoline service station; car wash	F	F	F	C*	C*	A	A	C	F	
	*Provided that all washing, painting, lubricating, and making of repairs is carried on inside a building and that any auto body shop, car wash, repair shop and paint shop is sufficiently sound-insulated to confine all noise to the lot and that all flashing, fumes, gases, smoke and vapor are effectively confined to the lot; and further provided that there is no outdoor storage of damaged, disabled or unregistered motor vehicles for a period of more than one month.										
	(↓As amended on April 14, 1967, and June 16, 1982)										
↓60A	Sale and installation within a building of batteries, seat covers, tires and similar automotive parts and accessories	F	F	F	C	A	A	A	C	F	
	(↓As inserted on April 14, 1967)										
↓61	Rental agency, storing, servicing, and/or washing rental motor vehicles and trailers	F	F	F	F	C*	C*	A*	C*	F	
	*Provided that no rental vehicles or trailers are parked on the street and that exterior lighting shall be arranged to shine downward and away from residences.										
	(↓As amended December 9, 1975)										

		District								
NO.	USE ITEM	S	R	H	L	B	M	I	W	MER
TRANSPORTATION USES										
62	Bus terminal; bus station	F	F	F	A	A	A	A	C	F
63	Railroad passenger station	F	F	F	A	A	A	A	C	F
64	Motor freight terminal; yard for storing or servicing trucks or buses; rail freight terminal; storage yard accessory to railroad operation	F	F	F	F	F	C*	A*	C*	F
*Provided that the terminal or yard is at least one hundred and fifty feet from every S, R and H district; and provided further, that the roadway of every street upon which a truck entrance or exit thereof abuts is at least forty feet wide and that every loading platform facing such an entrance or exit is at least eighty feet from the centerline of the street and at least fifty feet from the nearest sideline of the street.										
‡65	Water freight or passenger terminal facility, including docks, piers, wharves, storage sheds for waterborne commodities, and rail and truck facilities accessory to a waterborne freight terminal	F	F	F	F	F	C*	A*	A*	+
*Provided that the facility is at least one hundred and fifty feet from every S, R and H district; and provided further, that the roadway of every street upon which a truck entrance or exit thereof abuts is at least forty feet wide and that every loading										

NO.	USE ITEM	District								
		S	R	H	L	B	M	I	W	MER
	platform facing such an entrance or exit is at least eighty feet from the centerline of the street and at least fifty feet from the nearest sideline of the street.									
	+A if a maritime-dependent industrial use; otherwise F.									
	(↑As amended on April 14, 1967)									
66	Helicopter landing facility	F	F	F	F	C	C	C	C	F
67	Airport or other aircraft landing or servicing facility	F	F	F	F	F	F	C	C	F
	INDUSTRIAL USES									
68	Any of the following uses:	F	F	F	F	#	A	A	*	+
	#F in B-1, B-2, B-4; C in B-8, B-10.									
	*A if waterfront access required for receipt or dispatch of goods or for any other reason; otherwise C.									
	+A if a maritime-dependent industrial use; otherwise F.									
	Any industrial use, other than a use described in Use Item No. 70, which does not result in noise or vibration perceptible without instruments more than fifty feet outside the perimeter of the lot.									

NO.

USE ITEM

S R H L B M I W MEF

Bottling works for beverages.

Cotton ginning.

Manufacture or repair of

Advertising displays (including
billboards).Apparel or other products
(including hat bodies and like)
from textiles or similar
materials.Beverages containing less than
0.5% of alcohol by volume at
60 degrees F.Boats less than one hundred feet
long.

Brooms or brushes.

Cameras or other photographic
equipment, except flammable
film.

Carpets.

Canvas or canvas products.

Ceramic products, including
pottery, small glazed tile and
the like.

Cosmetics or toiletries.

Cotton wadding or linters.

Electric lamp bulbs.

Electric lighting fixtures,
electric irons, electric fans,
electric toasters, electric toys
or similar electric appliances.Electric wiring supplies, dry cell
batteries and the like.Electronic components and
supplies.Food products except the curing,
smoking or drying of meat or
fish.Fur goods (exclusive of curing,
dyeing and tanning).

		District								
NO.	USE ITEM	S	R	H	L	B	M	I	W	MER
	Gases in amounts not exceeding two thousand cubic feet a day.									
	Glass products from previously manufactured glass.									
	Hair, felt or feather products (exclusive of curing, dyeing and washing).									
	Hosiery.									
	Ice (dry or natural).									
	Ink or inked ribbon.									
	Leather products, including shoes, machine belting and the like.									
	Luggage.									
	Mattresses (including rebuilding and renovating).									
	Metal furniture, cabinets, doors, fencing and the like.									
	Metal products made by stamping or extrusion, including costume jewelry, pins and needles, razor blades, bottle caps, buttons, kitchen utensils and the like.									
	Musical instruments, including pianos and organs.									
	Novelty products.									
	Optical equipment, clocks, or similar precision instruments.									
	Orthopedic or medical appliances, including artificial limbs, braces, supports, stretchers and similar appliances.									
	Paper products, including envelopes, stationery, bags, boxes, shipping containers, wallpaper printing and similar products.									
	Pharmaceutical products.									
	Plastic products, including tableware, phonograph records, buttons, and the like.									

NO.	USE ITEM	S	R	H	L	B	M	I	W	MER
	Rubber products (exclusive of rubber and synthetic processing), including washers, gloves, footwear, bathing caps, atomizers and the like.									
	Shoddy.									
	Silverware (plate or sterling).									
	Sporting goods or athletic equipment, including balls, baskets, cues, gloves, bats, racquets, rods and the like.									
	Statuary, mannequins, figurines, or religious or church art goods, exclusive of foundry operations.									
	Textiles, knit goods, yarn goods, thread or cordage, including spinning, weaving, dyeing and printing.									
	Tobacco products, including curing tobacco.									
	Tools or hardware, including hand tools, drills, cutlery, bolts, nuts, screws, doorknobs, hinges, house hardware, locks, nonferrous metal castings, plumbing appliances, and the like.									
	Toys.									
	Umbrellas.									
	Vehicles for children, including baby carriages, scooters, wagons, bicycles, and the like.									
	Venetian blinds, window shades, and awnings.									
	Wax products.									
	Wood products, including furniture, boxes, crates, barrels, baskets, pencils, and the like.									
	Packaging chemicals, detergents or soap.									

		District									
NO.	USE ITEM	S	R	H	L	B	M	I	W	MER	
	Poultry or rabbit slaughtering or packing.										
	Printing or newspaper publishing, including engraving, or photo-engraving.										
	Scenery construction.										
	Stone cutting or lettering.										
	Storage of gases in amounts not exceeding ten thousand cubic feet.										
	Upholstering.										
	(↑As amended on April 14, 1967, and July 9, 1973)										
↑69	Any industrial use other than a use described in Use Item No. 70	F	F	F	F	F	F	A	*	+	
	*A if waterfront access required for receipt or dispatch of goods or for any other reason; otherwise C.										
	+A if a maritime-dependent industrial use; otherwise F.										
	(↑As amended on July 9, 1973)										
↑70	Any of the following uses:	F	F	F	F	F	F	C	C	*	
	*C if a maritime-dependent industrial use; otherwise F.										
	Any use which is objectionable or offensive because of special danger or hazard, or because of cinders, dust, smoke, refuse matter, flashing, fumes, gases, vapor or odor not effectively confined to the lot, or because of noise or vibration perceptible										

District

NO.

USE ITEM

S R H L B M I W MER

without instruments more than two hundred and fifty feet outside the perimeter of the lot or, if a residential district is within two hundred and fifty feet of the lot, at any point inside such residential district.

Batching or casting of concrete including handling and/or storage of cement, lime, sand, stone or other aggregates.

Curing, dyeing, washing or bulk processing feathers, felt or hair.

Curing, dyeing, finishing or tanning fur or leather.

Curing, drying or smoking of fish or meat.

Disposal, handling or storage of radioactive waste.

Distillation of wood or bones.

Incineration or reduction of garbage, offal or dead animals.

Manufacture of

Asphalt or asphalt products.

Charcoal, fuel briquettes, or lampblack.

Chemicals including acetylene, aniline dyes, ammonia, carbide, caustic soda, cellulose, chlorine, carbon black or bone black, cleaning or polishing preparations, creosote, disinfectants, exterminating agents, fungicides, hydrogen or oxygen, industrial alcohol, insecticides, potash, plastic materials or synthetic rosins, or hydrochloric, picric or sulfuric acids or derivatives.

District

NO.	USE ITEM	S	R	H	L	B	M	I	W	MER
	Coal, coke, or tar products, including gas.									
	Fertilizers.									
	Gases in amounts exceeding two thousand cubic feet a day.									
	Gelatin, glue or size.									
	Gypsum.									
	Linoleum or oil cloth.									
	Matches.									
	Paint, turpentine or varnish.									
	Plastic (raw).									
	Rubber (natural or synthetic) including tires, tubes, or similar products.									
	Soaps or detergents, including fat rendering.									
	Reduction, refining or smelting metal or metal ores.									
	Refining petroleum or petroleum products.									
	Removal of gravel, loam, sand or stone except for re-use on the same lot or incident to the erection of a building on such lot.									
	Sewage disposal plant.									
	Solvent extracting.									
	Storage of gases in amounts exceeding ten thousand cubic feet.									
	Wool scouring or pulling.									
	(↑As amended on April 14, 1967, and July 17, 1981)									
	ANCILLARY USES									
71	Any use on a lot adjacent to, or across the street from, but in the same district as, a lawful use to which it is ancillary and ordinarily									

District

NO.	USE ITEM	S	R	H	L	B	M	I	W	MER
	incident and for which it would be a lawful accessory use if it were on the same lot; any such use on such a lot in another district unless such use is a use specifically forbidden in such other district	C*	C*	C*	C*	C*	C*	C*	C*	C*
	*Provided that any such use shall be subject to the same restrictions, conditions, limitations, provisos and safeguards as the use to which it is ancillary.									
	ACCESSORY USES									
↑72 ID	As an accessory use subject to the limitations and restrictions of Article 10, a garage or parking space for occupants, employees, customers, students and visitors; provided that, in the case of a lot lying in two or more districts, such parking is accessory to a use that is lawful in the district in which such parking is located	A ^{↑*}	A ^{↑*}	A ^{↑*}	A [↑]	A [↑]	A [↑]	A [↑]	A [↑]	+
	↑Except C in a restricted parking district if accessory to any use other than Use Items numbered 1 through 15.									
	*Provided that where a garage or parking space is accessory to a dwelling use in an S, R, or H district, there is space for no more than three vehicles for each dwelling unit, none of which shall be a commercial									

		District									
NO.	USE ITEM	S	R	H	L	B	M	I	W	MER	
	vehicle with a maximum load capacity of more than 1-1/2 tons and not more than one of which shall be a commercial vehicle with a maximum load capacity of 1-1/2 tons or less.										
	+A if accessory to a maritime-dependent industrial use; otherwise F.										
	(↑As amended on April 14, 1967, September 27, 1973, September 2, 1976, April 11, 1979, and June 18, 1981)										
↑72A	As an accessory use subject to the limitations and restrictions of Article 10, a swimming pool or tennis court not within a required front yard	A*	A*	A*	A*	A*	A*	A*	A*	F	
	*Provided that it is more than four feet from every lot line, and in the case of a swimming pool, that it is protected by a six-foot-high fence with a gate which is locked from the outside, and that if the pool is within ten feet of a lot line, the fence is concealing to a height of at least six feet.										
	(↑As inserted on April 14, 1967, and amended on September 23, 1987)										

District

NO.	USE ITEM	S	R	H	L	B	M	I	W	MER
73	As an accessory use subject to the limitations and restrictions of Article 10, an office, within a main building, of an accountant, architect, attorney, dentist, physician or other professional person who resides in such building	C*	A*	A*	A	A	A	A	C	F
	*Provided that nonresident assistants do not exceed: one in a S district, two in a R district, and three in an H district.									
74	As an accessory use subject to the limitations and restrictions of Article 10, an occupation for profit customarily carried on in a dwelling unit by a person residing therein	C*	A*	A*	A	A	A	A	C	F
	*Provided that such occupation is carried on in a main building and requires only equipment ordinarily incident to a dwelling unit, that no non-resident help is employed and that there is no trading in merchandise.									
75	As an accessory use subject to the limitations and restrictions of Article 10, the keeping of horses, cows, goats or similar animals other than pigs	C*	C*	C*	C*	C*	C*	C*	C*	F
	*Provided that every stable and enclosure is at least one hundred feet from every residential building on another lot; and provided further that every stable									

District

NO.	USE ITEM	S	R	H	L	B	M	I	W	MER
	and enclosure sheltering more than four such animals is at least one hundred feet from every lot on which there is a church, school playground, library, or public or eleemosynary institution unless that distance is intersected by a street at least sixty feet wide; and provided also in a S, R or H district, that no more than twenty-five animals at a time are kept on the lot and that every stable and enclosure is more than one hundred feet from the nearest street.									
	A condition of this use shall be that if on another lot a residential building is erected within one hundred feet of a stable or enclosure, the use of such stable or enclosure shall cease, and such stable or enclosure shall be removed.									
76	As an accessory use subject to the limitations and restrictions of Article 10, the keeping of poultry, pigeons, rabbits or bees	C*	C*	C*	C*	C*	C*	C*	C*	F
	*Provided that every enclosure therefor is at least fifty feet from every residential building on another lot; and provided further in a S, R or H district, that not more than twenty-five birds and rabbits in the aggregate or more than three colonies of bees are kept on the lot at one time, and									

District

NO.	USE ITEM	S	R	H	L	B	M	I	W	MER
	that every enclosure is more than fifty feet from the nearest street. A condition of this use shall be that if on another lot a residential building is erected within fifty feet of an enclosure, the use of such enclosure shall cease, and such enclosure shall be removed.									
↑77	As an accessory use subject to the limitations and restrictions of Article 10, the keeping of laboratory animals incidental to an educational or institutional use, provided that all resulting noise, dust, fumes, gases, odors and refuse matter are effectively confined to the lot or so disposed of as not to be a nuisance or hazard to health or safety	F	C	C*	C*	C*	C	C	C	F
	*Except A if accessory to Use Item No. 22 and if at least one of the provisos in the footnote of Use Item No. 22 is met.									
	(↑ As amended on October 19, 1978, October 31, 1980, and January 8, 1982)									
78	As an accessory use subject to the limitations and restrictions of Article 10, in buildings with more than fifty dwelling units, and in hotels with more than fifty sleeping rooms, newsstand, barber shop, dining room and similar services primarily for the occupants thereof, when conducted wholly within the building and entered solely from within the building	F	F	A	A	A	C	C	C	F

		District									
NO.	USE ITEM	S	R	H	L	B	M	I	W	MER	
↓79	As an accessory use subject to the limitations and restrictions of Article 10, in hospitals with more than fifty beds, and in educational institutions with more than four hundred full time students, incidental uses and services ordinarily found in connection therewith and primarily for the patients and staff or students and faculty, when conducted wholly within a building and entered solely from within the building where there is but one building on the lot or from an entrance not directly facing a street or lot line where there is more than one building on a lot	C	C	C*	C*	C*	F	F	F	F	
	*Except A if accessory to Use Item No. 22 and if at least one of the provisos in the footnote of Use Item 22 is met.										
	(↓As amended on October 19, 1978, October 31, 1980, and January 8, 1982)										
80	As an accessory use subject to the limitations and restrictions of Article 10, the storage of flammable liquids and gases incidental to a lawful use	A	A	A	A	A	A	A	A	+	
	+A if accessory to a maritime-dependent industrial use; otherwise F.										

District

NO.	USE ITEM	S	R	H	L	B	M	I	W	MER
81	As an accessory use subject to the limitations and restrictions of Article 10, the manufacture, assembly or packaging of products sold on the lot	F	F	F	A*	A	A	A	C	C
	*Provided that no products are processed for sale elsewhere than on the lot and that at any one time no more than five persons are employed in such manufacture, assembly and packaging.									
82	As an accessory use subject to the limitations and restrictions of Article 10, a repair garage incident to auto sales	F	F	F	F	A*	A*	A*	C*	F
	*Providing that all washing, lubricating and making of repairs is carried on inside a building, and that all noise, flashing, dust, fumes, gases, smoke and vapor are effectively confined to the lot.									
↑82A	As an accessory use subject to the limitations and restrictions of Article 10, sale within a building of automotive parts, including, but not limited to, batteries, seat covers tires, alternators, generators, carburetors, headlamps, fanbelts, motor oil, and similar automotive parts and accessories and supplies	F	F	F	C	C	A	A	C	+
	+C if a maritime-dependent use; otherwise F.									
	(↑As inserted on November 7, 1996.)									

		District									
NO.	USE ITEM	S	R	H	L	B	M	I	W	MER	
83	As an accessory use subject to the limitations and restrictions of Article 10, permanent dwellings for personnel required to reside on a lot for the safe and proper operation of a lawful main use of such lot	A	A	A	A	A	C	C	C	C	
‡84	As an accessory use subject to the limitations and restrictions of Article 10, any non-residential use lawful in an I district	F	F	F	F	F	C*+		C	F	
*Provided that such use is so carried on as not to be either a hazard to the health or safety of persons on any adjacent lot or a nuisance. +Subject, in the case of an accessory office, to Article 34, for a period of three years from its effective date. [Editor's note: The effective date of Article 34 was April 29, 1988.] (‡As amended on April 29, 1988, June 23, 1989, and May 3, 1990)											
‡85	As an accessory use subject to the limitations and restrictions of Article 10, any use ancillary to, and ordinarily incident to, a lawful main use	A*	A*	A*	A*	A*	A*+	A*+	A*	A*	
*Provided that such use is not a use specifically forbidden in such district; and provided further that any such use shall be subject to the same restrictions, conditions, limitations, provisos and safeguards as the use to which it is accessory.											

District

NO.	USE ITEM	S	R	H	L	B	M	I	W	MER
	+Except, in the case of an accessory office, subject to Article 34, for a period of three years from its effective date. [Editor's note: The effective date of Article 34 was April 29, 1988.]									
	(↑As amended on April 29, 1988, June 23, 1989, and May 3, 1990)									
↑86	As an accessory use subject to the limitations and restrictions of Article 10, the maintenance and operation of not more than four amusement game machines:									
	a. in a private club, dormitory, fraternity or sorority house, or similar noncommercial use	F	A	A*	A*	A*	A	A	C	F
	*Except C in H-2-65, H-3-65, L-2-65, B-3-65, B-6-90a, and B-8-120a.									
	b. in a bar, tavern, or other commercial establishment where alcoholic beverages are sold and consumed	F	F	F	A*	A*	A	A	C	F
	*Except C in L-2-65, B-3-65, B-6-90a, and B-8-120a.									
	c. in a store, self-service laundry, restaurant, or other commercial establishment (other than a commercial establishment where alcoholic beverages are sold and consumed)	F	F	F	C	A*	A*	A	C	F

NO.	USE ITEM	District									
		S	R	H	L	B	M	I	W	MER	
	*Except C in B-3-65, B-6-90a, B-8-120a, B-8-120b, and M-8.										
	(↑As inserted on June 2, 1983, and amended on April 2, 1987)										
↑87	As an accessory use subject to the limitations and restrictions of Article 10, facilities for the temporary berthing on shore of personnel of vessels under repair	*	*	*	*	*	+	+	A	A	
	*Not applicable.										
	+A if accessory to a maritime-dependent industrial use; otherwise F.										
	(↑As inserted on August 30, 1988)										
↑88	As an accessory use not subject to Article 10, family day care home	A	A	A	A	A	C	C	C	C	
	(↑As inserted on October 12, 1988)										

↑SECTION 8-8. **Use Regulations of Urban Renewal Subdistricts.** The use regulations of Section 8-7 shall apply to each of the Urban Renewal Subdistricts, with the following additions:

- (a) As an accessory use to housing developments, and subject to limitations and restrictions of Article 10, Section 10-1, business uses such as a food store, drug store, physician or dentist office, barber shop or restaurant shall be permitted within the H-1U through H-5U districts, when such uses are intended primarily for the convenience of residents of such housing.

(↑ As inserted on September 7, 1967)

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ARTICLE 9

NONCONFORMING USES

↑SECTION 9-1. **Extension of Nonconforming Uses and Reconstruction and Extension of Nonconforming Buildings.** Whenever land is being lawfully used for a use not conforming to this code, other than stone quarrying, such use may be extended on the same lot or on an adjoining lot; provided that after public notice and hearing and subject to the provisions of Sections 6-2, 6-3 and 6-4, the Board of Appeal grants permission for such extension; and provided further that the use as extended shall not exceed by more than twenty-five percent either in volume or in area the nonconforming use existing on the effective date of this code or, in the case of a use made nonconforming by an amendment of this code, on the effective date of such amendment.

Whenever a building or structure is being lawfully used for a use not conforming to this code, such building or structure may be reconstructed, structurally changed or extended; provided that after public notice and hearing and subject to the provisions of Sections 6-2, 6-3 and 6-4, the Board of Appeal grants permission for such reconstruction, structural change or extension; provided also that the building or structure as reconstructed, structurally changed or extended shall not exceed by more than twenty-five percent either in volume or in area the building or structure existing on the effective date of this code or, in the case of a building or structure made nonconforming by an amendment of this code, on the effective date of such amendment; and provided further that the aggregate amount expended for reconstructing, structurally changing or extending a nonconforming building or structure after the effective date of this code, or, in the case of a building or structure made nonconforming by an amendment to this code, after the effective date of such amendment, shall not exceed fifty percent of the physical value of the building or structure on the effective date of this code or such amendment as determined by the Board of Appeal from its reproduction cost less physical deterioration. Said limit on the amount expended for reconstructing, structurally changing or extending a nonconforming building or structure shall not apply to any alteration of a structure, or of a structure in a district, which is listed in the National Register of Historic Places or which has been designated by the Boston Landmarks Commission in accordance with Chapter 772 of the Acts of 1973.

(↑As amended on March 26, 1982)

↑SECTION 9-1A. **Hours of Operation of Nonconforming Use.** In any district where residential uses are allowed, an extension of the hours of operation of a nonconforming business or industrial use into the period between 12 midnight and 6 A.M. shall be deemed to constitute an extension of a nonconforming use and is subject to the provisions of Section 9-1. For purposes of this section, "business" shall

include uses listed under Use Item Nos. 34 through 36A, 39 through 52, 54 through 57, 60 and 60A; "industrial" shall include uses listed under Use Item Nos. 68 through 70.

(↑ As inserted on June 7, 1978)

SECTION 9-2. Change in Nonconforming Use. If on the effective date of this code or of any amendment thereof a structure or land is being lawfully used for a use not conforming to this code or such amendment, such structure or land may be used for another nonconforming use; provided that after public notice and hearing and subject to the provisions of Sections 6-2, 6-3 and 6-4, the Board of Appeal grants permission for such substitute nonconforming use; and provided further that upon the use of such structure or land for such substitute nonconforming use, the right to use such structure or land for the former nonconforming use shall terminate.

SECTION 9-3. Effect of Non-Use of Nonconforming Use. If on the effective date of this code, a structure or land is being lawfully used for a use not conforming to this code, in order not to unduly prolong the life of such nonconforming use, the subsequent non-use of such structure or land for such nonconforming use for a period of twenty-four consecutive calendar months shall terminate the right to use such structure or land for such nonconforming use. So also, if on the effective date of any amendment to this code a structure or land is being lawfully used for a use not conforming to such amendment, in order not to unduly prolong the life of such nonconforming use, the subsequent non-use of such structure or land for such nonconforming use for a period of twenty-four consecutive calendar months shall terminate the right to use such structure or land for such nonconforming use. For the purpose of this section, whenever a structure or land is not being actively used for a nonconforming use, there shall be deemed to be a non-use for such nonconforming use.

ARTICLE 10

ACCESSORY USES

SECTION 10-1. Limitation of Area. The accessory uses on a lot, exclusive of off-street parking, shall not occupy, in the aggregate, more than twenty-five percent of the floor area of the main buildings; nor shall the accessory uses on a lot, exclusive of off-street parking required by this code, occupy, in the aggregate, more than twenty-five percent of the rear yard required by this code or of the unbuilt lot area; nor in any residential district shall any accessory use occupy any part of the front or side yards required by this code, except that such a side yard may be used for off-street parking located more than five feet from the side lot line; and in no other district shall any accessory use other than off-street parking occupy any part of the front or side yards required by this code.

SECTION 10-2. Restriction in Residential Districts. In a residential district, there shall not be any use accessory to a main dwelling which involves:

- (a) The employment of any person (other than domestic servants) not resident in a dwelling unit on the lot, except for uses under Use Item Nos. 72, 73, and 78 of Table A of Section 8-7; or
- (b) The maintenance of a stock in trade except for uses under Use Item No. 78 of said Table A; or
- (c) The use of any show window, display or advertising open to view from outside the lot for the purpose of attracting customers or clients, other than professional announcement signs; or
- (d) The conduct of a business office open to the public.

In no S or R district shall any boarding house or lodging house be conducted as an accessory use.

SECTION 10-3. Temporary Accessory Uses. If upon application for a permit under this section the Building Commissioner is of the opinion that a use not conforming to this code is incidental to, and reasonably required for, the development of a lawful use, he may grant for an initial period of not more than two years, and may extend from time to time but not for more than one year at a time, a permit for such nonconforming use; provided that he has on file (1) an instrument wherein the applicant for such permit covenants with the city to terminate such use at the expiration of such permit and to remove within three months after such expiration all nonconforming structures erected under such permit, and (2) to secure the faithful performances of such covenant, either a bond of an insurance company authorized to

do business in Massachusetts or bonds, notes or certificates of indebtedness of the City, the Commonwealth of Massachusetts or the United States, the former in a penal sum, and the latter in the amount, not less than whichever of the following is the greater: (a) twice the amount which the Building Commissioner estimates it will cost the City to remove such nonconforming structures or (b) one thousand dollars; and provided, further, no such permit shall be extended or renewed to permit such nonconforming use more than seven years after the inception thereof.

↓ARTICLE 11

SIGNS

(↓Article inserted on December 18, 1972)

SECTION 11-1. Signs in Residential Districts. In any residential district there shall not be any sign except as follows:

- (a) One sign, not exceeding two square feet in total area, attached to the building or on a rod or post not more than four feet high and at least three feet in from the street line, and stating only the street number or name of the occupant or occupants of the lot, or both, except that in an H district such sign may also identify the business of a professional person, as defined by Use Item No. 39 of Section 8-7.
- (b) One bulletin or announcement board, name sign or entrance marker for each church or institution not exceeding twenty square feet in area, except that if the street frontage of such church or institution exceeds one hundred feet, one such sign for each hundred feet computed to the nearest hundred but in no event more than three such signs for each church or institution.
- (c) One "For Sale" or "For Rent" sign, not exceeding eight square feet in area, advertising the property on which such sign is located.
- (d) One building contractor's or developer's sign, not exceeding thirty-two square feet in total area, on a lot where a building is actually under construction.
- (e) One sign not exceeding twenty square feet per entrance to a tract of land divided into building lots.
- ↓(f) One sign, accessory to a nonconforming use, which conforms with Section 11-2, provided, however, that the area of said sign does not exceed one-half of the area allowed in non-residential districts under said section.

(↓As inserted on April 11, 1973)

- ↓(g) Official public notices and notices posted by public officers in performance of their duties.

- ↕(h) Government signs for the control of traffic and other regulatory purposes, street signs, danger signs; railroad crossing signs, signs indicating transit stops or entrances to transit or railroad stations; and signs of public service companies indicating danger or aids to service and safety.
- ↕(i) Temporary display posters, without independent structural support, in connection with political campaigns and with noncommercial civic, health, safety and welfare campaigns, provided such posters are removed within 30 days following the conclusion of such campaign; temporary displays of a patriotic, religious, charitable or civic nature.
- ↕(j) Legal display of flags, emblems and insignia of any nation or political subdivision.
- ↕(k) Historical or scenic markers approved by a recognized historical or conservation agency.

(↕As inserted on February 20, 1975)

SECTION 11-2. **On-Premise Signs in all Other Districts.** In all other districts, there shall not be any on-premise sign except as follows:

- (a) Signs allowed in residential districts.
- ↕(b) A wall sign attached parallel to a building which projects no more than fifteen inches from the building surface, provided that the top of such sign is no higher than whichever of the following is lowest: (i) twenty-five feet above grade; (ii) the top of the sills of the first level of windows above the first story; or (iii) the lowest point of the roof surface, except in the case of a one-story building with a continuous horizontal parapet, the top of said parapet.

(↕As amended July 9, 1973, and November 30, 1973)

- ↕(c) A permanent non-illuminated sign on the inside of the glass of a window, provided that the total area of the sign does not exceed thirty percent of the total glass area of windows appurtenant to the use to which the sign is accessory, and provided that signs on ground floor windows be included in calculating the total area of signs on a sign frontage.

(↕As amended on April 11, 1973)

- ↑(d) A sign attached at right angles to a building, provided that such sign has no more than two faces and (i) there is no more than one such sign for each entrance door to a business establishment; (ii) it projects no more than six feet, plus a reasonable allowance for field fastening, from the building; (iii) the sign advertises a use which occupies at least 18 feet of sign frontage; (iv) the bottom of the sign is at least ten feet from grade and its top is no higher than whichever of the following is lowest: twenty-five feet above grade; the top of the sills of the first level of windows above the first story; or the lowest point of the roof surface, except in the case of a one-story building with a continuous horizontal parapet, the top of said parapet; (v) the area of the sign shall not exceed twenty-four square feet on either side, excepting that an additional ten square feet on each face is allowed for a sign which incorporates a public service message device such as a time and temperature sign; (vi) there are no exposed guy wires or turnbuckles.

(↑As amended on April 11, 1973, July 9, 1973, November 30, 1973, and June 7, 1974)

- ↑(e) One free standing sign, except in a B-2, B-3-65, B-4, B-6-90a, B-6-90b, B-8, B-8-120a, B-8-120b, B-8-120c, or B-10 district, or the Harborpark District, provided that such sign has no more than two faces and (i) if there is one use, as defined by Article 8, on the lot, the area of each face does not exceed sixty-five square feet and the top of such sign is no higher than twenty-five feet above grade; or (ii) if there are two or more such uses on the lot, the area of each face does not exceed one hundred twenty-five square feet and the top of such sign does not exceed thirty feet above grade; excepting, however, that a lot with a street line or lines of two hundred or more feet may have two free standing signs, or a single sign which is two times the area otherwise permitted.

(↑As amended on September 27, 1973, June 7, 1974, October 31, 1980, April 2, 1987, and April 27, 1990)

- (f) Temporary signs pertaining to special sales or events lasting more than fifteen days may be affixed to windows provided that their total area does not exceed thirty percent of the window. No permit is required for such temporary sign or signs.
- (g) Directional signs necessary for public safety and convenience which do not exceed twelve square feet per face and which

bear no advertising. Such signs are not counted in computing total sign area allowed by this section.

- (h) A sign painted on or attached to the face of, but not extending above, a canopy or marquee, or a sign attached to the underside of a canopy or marquee.
- (i) A sign painted on or attached to an awning.

A sign may bear lettering to indicate the street number, the name and kind of business, service or facility conducted on the premises, the year the business was established, a slogan, hours of operation, time and temperature, and lettering which is part of a trade mark.

The registered trade mark of a specific commodity may occupy no more than twenty-five percent of the area of a sign, except that if the sale of said commodity is the major business conducted on the premises, there shall be no such restriction.

↓ Except in an adult entertainment district, signs shall be lighted only by any continuous light, except that a warning sign or a sign illuminated to show time and temperature may have intermittent illumination. Signs shall remain stationary.

(↓ As amended on November 27, 1974)

↓ No support for a sign shall extend above the cornice line of a building to which it is attached.

(↓ As amended on April 11, 1973)

↓ The total area⁽¹⁾ in square feet of all permanent signs on a sign frontage, except for signs on windows above the first floor, free standing signs, directional signs and public purpose signs listed in items (g) through (k) inclusive of Section 11-1, shall not exceed:

Average Distance of Sign From Center Line of Abutting Street	Sign Frontage ⁽¹⁾ Multiplied by
0-99	2*
100-399	4
400 and over	5

*Excepting that a use with less than twenty-five feet of sign frontage may have a maximum of fifty square feet of permanent signs.

⁽¹⁾See section 2-1 (40) and (41D).

(↑As amended on April 11, 1973, July 9, 1973, and February 20, 1975)

The distance of a sign on or under a canopy, marquee or awning from the center line of an abutting street shall be construed to be the same as if such sign were attached to the building to which the said canopy, marquee or awning is attached.

If the first floor of a building is substantially above street grade and the basement is only partially below street grade, separate occupants of each level may each have one-half the square feet of signage to which a use would be entitled if it were a single ground floor use.

If a building fronts on two or more streets, the sign area of each street frontage shall be computed separately.

↑The height and area of signs on a sign frontage may exceed the limits established by this section, provided that a comprehensive sign design, as defined by (41C) of Section 2-1, for said sign frontage is certified by the Urban Design Department of the Boston Redevelopment Authority to be a complementary and harmonious synthesis of signs and architectural features.

(↑As inserted on April 11, 1973, and amended on June 7, 1974)

↑SECTION 11-3. **Signs in Licensed Parking Lots.** In the interest of public safety and convenience, there shall not be any sign in a parking lot, Use Item 58 of Section 8-7, in any district, except: (1) one sign per parking lot entrance which shall bear thereon in fifty percent or more of its total sign area a blue rectangle with a white letter "P" in sans serif gothic type face, the letter "P" being not less than fifty percent of the area of that blue rectangle; (2) a sign bearing only that information and at that location required by the Traffic and Parking Department in its Rules Regulating Open-Air Parking Spaces; and (3) directional signs.

The area of the sign containing the "P" shall not exceed twenty-four square feet on each face; it may have only two faces and shall not exceed a height of 25 feet above grade; it may be free standing or attached to a building.

(↑As amended on April 11, 1973)

↑SECTION 11-4. **Signs on Parking Garages.** In the interest of public safety and convenience, there shall not be any sign on a parking garage, Use Item 59 of Section 8-7, in any district, except: (1) at each vehicular entrance, one sign attached at right angles to the building which shall bear thereon in fifty percent or more of its total sign area a blue rectangle with a white letter "P" in sans serif gothic type face, the letter "P" being not less than fifty percent of the area of that blue rectangle; (2) at each vehicular entrance, one optional sign directly above, and the exact full width of, that entrance, and not to exceed two feet in height; (3) a sign bearing only that

information and at that location as may be required by the Traffic and Parking Department; and (4) directional signs.

The area of the sign containing the "P" shall not exceed twenty-four square feet on each face; it may have only two faces and shall not exceed a height of twenty-five feet above grade.

(↑As amended July 9, 1973)

↑SECTION 11-5. **Alteration, Repair and Replacement of On-Premise Signs.**

Except for copy changes on signs with changeable letter panels, no sign shall be reconstructed, extended, changed structurally or in content or replaced except in accordance with this Article. A sign which does not conform with this Article may be repaired provided that the cost of the repair does not exceed thirty-five percent of the replacement cost of the entire sign, except that an electric time and temperature sign which is an integral part of a nonconforming sign may be repaired or replaced with no restriction on the cost of the repair or replacement.

(↑As amended July 9, 1973)

↑SECTION 11-6. **Signs Subject to Other Regulations.** Billboards, signboards and other advertising subject to Sections 29 to 33, inclusive, of Chapter 93 of the General Laws as now in force or hereafter amended are allowed in L, B, LM, M, I, MER, and W districts, but not, in any event, in the Harborpark District; provided that: (a) whenever any part of a lot in a L district is directly across a street from any part of a lot in a S, R, or H district, and whenever a lot in a L district abuts a lot in a S, R, H district, the aggregate area of all signs on the lot in the L district which face toward, and are open to view from, the lot in the S, R or H district shall not exceed whichever of the following allows the greater area:

- (1) 10% of the area of the wall substantially parallel to such lot line, or
- (2) one square foot for each foot in the length of such lot line; and

(b) no new billboards shall be allowed within six hundred sixty (660) feet of a federally-funded highway subject to the Federal Highway Beautification Act unless approved by the Board of Appeal in accordance with Article 6 after receipt by the Board of Appeal of a planning recommendation from the Boston Redevelopment Authority.

(↑As amended April 11, 1973, August 30, 1988, February 1, 1989, April 27, 1990, and September 30, 1993)

SECTION 11-7. **Signs in Urban Renewal Project Areas.** In an urban renewal project area, there shall not be any sign which does not comply with this Article and with the urban renewal plan for such project area.

SECTION 11-8. **Conditional Sign Permits.** The Board of Appeal may grant conditional use permits in accordance with the procedure set out in Article 6 allowing signs other than those permitted by this regulation where the particular use or location justifies such exceptional treatment.

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ARTICLE 12

TRANSITION ZONING

SECTION 12-1. Lots in Two Districts. Where a district boundary line divides a lot in single ownership of record at the time this code becomes effective, the uses allowed and the other regulations in this code applying to the less restricted portion of the lot shall be considered as extending to so much of the remainder of the lot as is within thirty feet of said district boundary line, and the uses and other regulations so extended shall be deemed to be conforming so long as the land to which they are extended shall remain part of said lot.

↕ **SECTION 12-2. Lots in Residential District Adjacent to Business or Industrial District.** Where a lot in a S or R district abuts the sideline of a lot in a business or industrial district, the part of such S or R lot within fifty feet of the district boundary may be used as if it were in the next less restricted residential zone, provided that the height, area, and yard restrictions of the district in which it is located are met. If after public notice and hearing and subject to the provisions of Sections 6-2, 6-3 and 6-4 the Board of Appeal grants permission therefor, the part of any structure within such fifty feet may be used for professional offices, private clinics, insurance, institutional and real estate offices, and other semi-commercial uses, provided in all cases that the height, area, and yard regulations of the district in which such structure is located are met. For the purposes of this Article 12 only, "business or industrial district" shall mean any district or subdistrict, except for S, R, H, or open space (OS) districts or subdistricts.

(↕ As amended on August 30, 1988, February 1, 1989, and April 27, 1990)

↕ **SECTION 12-3. Lots in Business or Industrial Districts Adjacent to Residential District.** Where a lot in a business or industrial district abuts a lot in a residential district, the lot in the business or industrial district shall have along each line abutting a residential district a yard equal in width or depth to that required in the residential district. Where land on one side of a street between two intersecting streets is zoned partly as residential and partly as business or industrial, the front yard depth in so much of the business or industrial district as lies within one hundred feet (measured along the street line) from the boundary line dividing the two districts shall be equal to the front yard depth required by this code in the S, R or H district.

(↕ As amended on August 30, 1988, February 1, 1989, and April 27, 1990)

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ARTICLE 13

DIMENSIONAL REQUIREMENTS

↕SECTION 13-1. **Dimensional Regulations.** Minimum lot size, minimum lot area per dwelling unit, minimum lot width, maximum height of buildings, minimum usable open space per dwelling unit, minimum front yard depth, minimum side yard width, minimum rear yard depth, minimum setback distance of parapet from any lot line, and maximum percent of rear yard occupied by accessory buildings for each class of use shall, except as otherwise expressly provided by this code and subject to the provisions of this Article and Articles 14 to 23 inclusive, be as specified in the following table.

(↕As amended on February 1 and March 20, 1989 and on April 27, 1990)

↑TABLE B: DIMENSIONAL REGULATIONS

NOTE: Figures in parentheses refer to footnotes below table.

If a district with a second numerical suffix (e.g., H-2-55) is not listed in this Table, see footnote (15) and Section 3-1A(i).

DISTRICT	TYPE OF USE	LOT SIZE minimum sq.ft.	LOT AREA minimum sq.ft. for each add'l dwell. unit	LOT WIDTH minimum feet	FLOOR AREA RATIO maximum (1)	HEIGHT OF BUILDINGS maximum stories feet	USABLE OPEN SPACE minimum sq.ft. per dwell. unit	FRONT YARD minimum depth feet (14)	SIDE YARD minimum width feet	REAR YARD minimum depth feet	SETBACK OF PARAPET minimum distance from lot line	REAR YARD maximum % occup. by accessory buildings
S-3	1 family detached Other use	9,000 9,000	none 6,000	70 70	0.3 0.3	2 1/2 2 1/2	35 35	none none	12 15	40 50	none none	25 20
S-5	1 family detached Other use	6,000 6,000	none 4,000	60 60	0.5 0.5	2 1/2 2 1/2	35 35	none none	10 12	40 50	none none	25 20
R-5	1 & 2 family detached Any other dwelling Other use	5,000 2 acres 5,000	3,000 3,000(2) 3,000	50 200 50	0.5 0.5 0.5	2 1/2 2 2 1/2	35 35 35	none 1,000 none	10 10 10	40 40 40	none none none	25 20 20
R-8	1 & 2 family row Any other dwelling Other use	3,000 5,000 5,000	2,000 1,500 1,500	none 50 50	0.8 0.8 0.8	3 3 3	35 35 35	800 800 none	10 10 10	40 40 40	none none none	25 25 20
H-1-40	1 & 2 family row Any other dwelling Other use	2,000 5,000 5,000	1,500 1,000 1,000	none 50 50	1.0 1.0 1.0	4 4 4	40(11) 40(11) 40(11)	400 400 none	(4) (4) (4)	30(6) $10 + \frac{L}{20}$ (6)	$\frac{H + L'}{6}$ for all uses	25 25 25
H-1-50	1 & 2 family row Any other dwelling Other use	2,000 5,000 5,000	1,500 1,000 1,000	none 50 50	1.0 1.0 1.0	- - -	50(11) 50(11) 50(11)	400 400 none	(4) (4) (4)	30(6) $10 + \frac{L}{20}$ (6)	$\frac{H + L'}{6}$ for all uses	25 25 25

†TABLE B: DIMENSIONAL REGULATIONS - Continued

H-1	1 & 2 family row Any other dwelling Other use	2,000 5,000 5,000	1,500 1,000 1,000	none 50 50	1.0 1.0 1.0	none none none	none(15) none(15) none(15)	400 400 none	20 20 25	(4) (4) (4)	30(6) $10 + \frac{L}{20}$ (6)	$\frac{H+L'}{6}$	for all uses	25 25 25
H-2	Any dwelling Other use	none none	none none	none none	2.0 2.0	none none	none(15) none(15)	150 none	20 20	(4) (4)	$10 + \frac{L}{20}$ (6)	$\frac{H+L'}{6}$	all uses	30 30
H-3-65	Any dwelling Other use	none none	none none	none none	3.0 3.0	- -	65(9) 65(9)	50 none	(10) (10)	(4) (4)	25% of lot depth all uses	$\frac{H+L'}{6}$ (9)	all uses	40 40
H-3	Any dwelling Other use	none none	none none	none none	3.0 3.0	none none	none(15) none(15)	100 none	15 15	(4) (4)	$10 + \frac{L}{20}$ (6)	$\frac{H+L'}{6}$	all uses	35 35
H-4	Any dwelling Other use	none none	none none	none none	4.0 4.0	none none	none none	50 none	15 15	(4) (4)	$10 + \frac{L}{20}$ (6)	$\frac{H+L'}{6}$	all uses	40 40
H-5	Any dwelling Other use	none none	none none	none none	5.0 5.0	none none	none(13)(15) none(13)(15)	50 none	15 15	(4) (4)	$10 + \frac{L}{20}$ (6)	$\frac{H+L'}{6}$	all uses	40 40
L-5	Any dwelling Other use	(3) none	(3) none	(3) none	0.5 0.5	2 1/2 2 1/2	35 35	(3) none	(3) 15	(3) none(5)	(3) 20(7)	none none	- -	- -
L-1	Any dwelling Other use	(3) none	(3) none	(3) none	1.0 1.0	3 3	35 35	(3) none	(3) 10	(3) none(5)	(3) 20(7)	none none	- -	- -
L-2	Any dwelling Other use	(3) none	(3) none	(3) none	2.0 2.0	none none	none(15) none(15)	(3) none	(3) none	(3) none(5)	(3) $10 + \frac{L}{7}$ (7)	$\frac{H+L'}{6}$	all uses	- -
B-1	Any dwelling Other use	(3) none	(3) none	(3) none	1.0 1.0	3 3	40 40	(3) none	(3) none	(3) none(5)	(3) $10 + \frac{L}{20}$ (7)	$\frac{H+L'}{6}$	all uses	- -

TABLE B: DIMENSIONAL REGULATIONS - Continued

B-2	Any dwelling Other use	(3) none	(3) none	(3) none	2.0 2.0	none none	none(15) none(15)	(3) none	(3) none	(3) none(5)	(3) $10 + \frac{L}{20(7)}$	$\frac{H + L^1}{6}$	all uses
B-3-65	Any dwelling Other use	none none	none none	none none	3.0 3.0	- -	65(9) 65(9)	(10) (10)	(3) none(5)	(3) none(5)	(3) $10 + \frac{L}{20(7)}$	$\frac{H + L^1}{6}$ (9)	all uses
B-4	Any dwelling Other use	(3) none	(3) none	(3) none	4.0 4.0	none none	none none	(3) none	(3) none(5)	(3) none(5)	(3) $10 + \frac{L}{20(7)}$	$\frac{H + L^1}{6}$	all uses
B-6-90a	Any dwelling Other use	none none	none none	none none	6.0 6.0	- -	90 90	(10) (10)	(3) none(5)	5 5	5 5	none(16) none(16)	
B-6-90b	Any dwelling Other use	(3) none	(3) none	(3) none	6.0 6.0	- -	90 90	(3) none	(3) none(5)	(3) none(5)	(3) $10 + \frac{L}{20(7)}$	$\frac{H + L^1}{7}$ (16)	all uses
B-8-120a	Any dwelling Other use	none none	none none	none none	8.0 8.0	- -	120 120	(10) (10)	(3) none(5)	5 5	5 5	(16) (16)	
B-8-120b	Any dwelling Other use	none none	none none	none none	8.0 8.0	- -	120 120	(10) (10)	(3) none(5)	20 10 + $\frac{L}{20(7)}$	20 10 + $\frac{L}{20(7)}$	none none	
B-8-120c	Any dwelling Other use	(3) none	(3) none	(3) none	8.0 8.0	- -	120(13) 120(13)	(3) none	(3) none(5)	(3) none(5)	(3) $10 + \frac{L}{20(7)}$	$\frac{H + L^1}{7}$ (16)	all uses
B-8	Any dwelling Other use	(3) none	(3) none	(3) none	8.0 8.0	none none	none(13) none(13)	(3) none	(3) none(5)	(3) none(5)	(3) $10 + \frac{L}{20(7)}$	$\frac{H + L^1}{7}$	all uses
B-10	Any dwelling Other use	(3) none	(3) none	(3) none	10.0 10.0	none none	none(13) none(13)	(3) none	(3) none(5)	(3) none(5)	(3) $10 + \frac{L}{20(7)}$	$\frac{H + L^1}{8}$	all uses

†TABLE B: DIMENSIONAL REGULATIONS - Continued

Key: L = Length of wall parallel (or within 45° of parallel) to lot line, measured parallel to lot line.
H = Height of building above the height below which no setback is required.
L' = Length of wall parallel (or within 45° of parallel) to lot line, measured parallel to lot line at greatest length above the height below which no setback is required.

- (1) See Section 15-4 for cases where the maximum floor area ratio may be exceeded.
- (2) No additional lot area for first 30 dwelling units.
- (3) See Section 13-4.
- (4) Ten feet plus one twentieth of the length of the wall parallel (or within 45° of parallel) to the side lot line. See further Section 19-4.
- (5) See Section 19-5.
- (6) See Section 20-4.
- (7) See Section 20-5.
- (8) Deleted.
- (9) See Section 16-7 for regulations for pre-Code structures.
- (10) Twenty feet on east-west streets, none on north-south streets. A bay window, as defined in Section 2-1, may protrude into a front yard, Section 18-1 notwithstanding. See also Sections 18-1 and 18-2.
- (11) See Section 16-4.
- (12) Deleted.
- (13) See Section 16-6 for height limits for buildings within 100 feet of streets that bound Boston Common and the Public Garden. See Section 16-9 for height limit provisions for block bounded by Bladgen and Exeter Streets and Huntington Avenue.
- (14) See also Section 18-2.
- (15) Except in a district designated with two numerical parts, in which case the second number is the maximum height in feet. See Section 3-1A(i).
- (16) See subsections (b) and (c) of Section 21-2.

(†As amended on April 14, 1967, February 17, 1971, March 20, 1972, July 9 and September 27, 1973, October 22, 1974, July 7, 1977, February 28 and April 11, 1979, October 31, 1980, June 18 and August 20, 1981, June 16, 1982, June 24, 1985, April 2, June 17, and September 23, 1987, and August 30 and October 12, 1988.)

SECTION 13-2. Lot Area or Yards Required. In computing the area of a lot or the dimensions of the yards required for any building or use, there shall not be included any land which was used to meet the minimum area or minimum yard space required by law for any other building or use at the time of its erection or inception, and which would be required to meet the requirements of this code for such other building or use. This prohibition shall apply whether or not such land is still in the same ownership as when it was used as aforesaid.

↕**SECTION 13-3. Nonconformity as to Dimensional Requirements.** A building or use existing on the effective date of this code and not conforming to the applicable dimensional requirements specified in this code may nevertheless be altered or enlarged, provided that such nonconformity is not increased and that any enlargement itself conforms to such dimensional requirements.

(↕As amended on April 27, 1990)

↕**SECTION 13-4. Dwellings in Nonresidential Districts.** Any dwelling in an L, B, M, I, MER or W district shall conform to the lot area, usable open space, and yard requirements for the nearest S, R or H district; provided, however, that any dwelling in a B-8 or B-10 district shall conform to the lot area, usable open space and yard requirements for the least restricted residence district.

(↕As amended on April 14, 1967, September 23, 1987, and August 30, 1988)

SECTION 13-5. (Inserted on September 7, 1967, and repealed on July 2, 1968.)

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ARTICLE 14

LOT SIZE, AREA AND WIDTH

↑SECTION 14-1. **Minimum Lot Size.** Where a minimum lot size is specified in this code, no main building shall be erected, nor main use established, on any lot for which such size is specified, if such lot is of lesser size, except as provided in Section 14-6. (Illustrated in Appendix 2)

(↑As amended on April 27, 1990)

↑SECTION 14-2. **Lot Area per Dwelling Unit, etc.** Where a minimum lot area for each additional dwelling unit is specified in this code, the minimum lot area for the first dwelling unit on the lot shall be the minimum lot size; and the minimum additional lot area for each additional dwelling unit thereon shall be the minimum lot area for each additional dwelling unit specified in this code. For residential structures not divided into dwelling units, each two sleeping rooms for single or double occupancy and each four beds in sleeping rooms that contain beds for more than two persons shall be deemed to constitute one dwelling unit; provided that each two hospital beds shall be deemed to constitute one such unit; and further provided that a limited group residence as defined in clause (22B) of Section 2-1 shall be deemed to constitute one dwelling unit for purposes of this article. For non-residential structures, and for structures where non-residential uses are combined with residential uses, each fifteen hundred square feet of gross floor space devoted to non-residential uses shall be deemed to constitute one dwelling unit.

(↑As amended on August 10, 1979, April 27, 1990, and February 22, 1991)

↑SECTION 14-3. **Lot Width.** Where a minimum lot width is specified in this code, no main building shall be erected on that part of a lot where the lot width is less than that specified in this code, except as provided in Section 14-6.

(↑As amended on April 14, 1967 and April 27, 1990)

↑SECTION 14-4. **Lot Frontage.** Where a minimum lot width is specified in this code, each lot for which such minimum lot width is specified shall have a minimum frontage on a street not less than the width so specified, except as follows:

- (a) Where such a lot fronts on the outer curve of a curved street, the frontage of such lot on such street may be less than the width so specified, provided that the width of such lot at the minimum front yard depth required by Article 18 is not less than the minimum lot width so specified.

- (b) Where a lot is located to the rear of another lot or lots, there shall be an unobstructed access to the rear lot from a street over land that is not part of any other lot. So much of such access as has a width less than the minimum lot width specified for the rear lot in this code shall not be included in meeting the requirements of Sections 14-1 and 14-2 with respect to the area of the rear lot, or the requirements of Articles 17, 18, 19 and 20 with respect to the open spaces and front, side and rear yards of the rear lot. If there are dwelling units on the rear lot, the minimum width and street frontage of such access shall be:

20 feet where the rear lot has less than 4 such units,
30 feet where the rear lot has less than 8, but more than 3,
such units,
40 feet where the rear lot has less than 13, but more than 7,
such units, and
50 feet where the rear lot has more than 12 such units.

(↑ As amended on April 27, 1990)

(Illustrated in Appendix 2)

SECTION 14-5. Building on Rear of a Lot.

- (a) If in any S, R or H district a main building is on the same lot as, and to the rear of, another main building, there shall be an unobstructed access to such rear building from a street, the width and street frontage of which access shall not be less than five feet.
- (b) If there are dwelling units in such rear building, the minimum width and street frontage of such access shall be: 15 feet where such building has less than three such units, 25 feet where such building has more than 2, but less than 8, such units, 40 feet where such building has more than 7, but less than 13, such units, and 50 feet where such building has more than 12 such units. The access required by this paragraph (b) shall not be within any side yard required by this code for the front building, and shall not be included in meeting the lot area requirements of this code for either building.
- (c) Where in a residential district a dwelling designed for occupancy or occupied by one or more families is on the same lot as, and to the rear of, another main building, the

distance between such dwelling and such main building shall be not less than twice the minimum rear yard depth required by this code for such main building; and the requirements of this code with respect to lot size, open space, and front, rear and side yards shall apply as if such dwelling were on a separate lot.

SECTION 14-6. Exceptions. If the requirements of this code with respect to open space and to front, rear and side yards are met, the provisions of Sections 14-1 and 14-3 shall not prevent the construction, reconstruction or alteration of a single family dwelling on any lot assessed as a separate parcel or in separate ownership of record (by plan or deed) at the time this code takes effect; provided, however, that the foregoing provisions of this section shall not apply to any two or more contiguous lots in a single ownership at or subsequent to said time where a redivision could create one or more lots meeting the requirements of Sections 14-1 and 14-3 except that, if the Board of Appeal determines that such a redivision cannot reasonably be made without creating or continuing one or more lots not meeting such requirements, said Board may grant permission for the construction of a single family dwelling on a lot not meeting such requirements except that said Board shall not grant such permission for (1) any lot not meeting three fourths of the requirements of Section 14-1 unless more than one half of the lots within the same block have buildings erected thereon and do not meet three fourths of such requirements, or (2) any lot not meeting three fourths of the requirements of Section 14-3 unless more than one half of the lots within the same block have buildings erected thereon and do not meet three fourths of such requirements.

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ARTICLE 15

BUILDING BULK

↓SECTION 15-1. **Floor Area Ratio.** Except as otherwise provided in this Article, the ratio which the gross floor area of all structures on a lot exclusive of floor area required to meet the off-street parking requirements of this code bears to the area of the lot shall not exceed the maximum floor area ratio specified in this code. In calculating the area of the lot for the purpose of this section, the following parts of the lot shall be excluded: (a) every part required by any other structure or use to comply with any requirement of this code, and (b) every part the ownership of which is transferred subsequent to the effective date of this code if such part is required for compliance with the provisions of this code applicable to the lot from which such transfer is made. (Illustrated in Appendix 2)

(↓As amended on April 27, 1990)

SECTION 15-2. Repealed on September 27, 1973.

SECTION 15-3. Repealed on July 7, 1977.

↓SECTION 15-4. **Increase in Floor Area Ratio for Large Lots in H-5 Districts.**

- (a) The maximum floor area ratio specified in Table B of Section 13-1 shall be increased by 1.0 in the case of a lot in an H-5 district containing twelve thousand or more, but less than twenty thousand, square feet.
- (b) The maximum floor area ratio specified in Table B of Section 13-1 shall be increased by 2.0 in the case of a lot in an H-5 district containing twenty thousand square feet or more.

(↓As amended on July 7, 1977)

SECTION 15-5. Repealed on July 7, 1977.

SECTION 15-6. **Special Floor Area Ratio Provisions for Regulated Projects.** In the case of a lot in a B-8 or a B-10 district constituting part of a project under Chapter 121, or Chapter 121A, of the General Laws for the development or redevelopment of five or more acres of land, the floor area ratio may exceed the maximum floor area ratio specified in Table B of Section 13-1; provided that if so much of the district as constitutes part of such project is taken as one lot, the floor area ratio does not exceed such maximum.

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ARTICLE 16

HEIGHT OF BUILDINGS

↑SECTION 16-1. **Maximum Height of Buildings.** Where a maximum height of buildings is specified in Table B of Section 13-1, or in a second numerical suffix in the designation of subdistrict as provided in Section 3-1A(i), no building or part of a building in a district, and devoted to a use, specified, shall exceed the number of stories or feet in height so specified except as provided in Sections 16-2 and 16-3.

(↑As amended on June 24, 1985)

SECTION 16-2. **Exceptions.** The provisions of Section 16-1 shall not apply to belfries, cupolas, domes, monuments, church spires, water towers, observation towers, radio towers, transmission towers, windmills, chimneys, smokestacks, silos, derricks, conveyors, masts, flag poles, aerials, elevator headhouses, water tanks, monitors, signs or other structures normally built above the roof and not devoted to human occupancy, but such structures shall be erected only to such heights, and cover only such areas, as are necessary to accomplish the purpose they are intended to serve.

↑SECTION 16-3. **Exceptions Adjoining Nonconforming Structures.** Wherever, other than in an H-2-45, H-3-65, B-3-65, B-6-90a, B-6-90b, B-8-120a, or B-8-120c district, a legally existing structure not excepted under Section 16-2 exceeds the height limit specified in Table B of Section 13-1 on a lot in the same district as, and adjoining, the lot on which such legally existing structure is located a structure may be built to a height greater than said height limit, but shall not project above a line drawn between the highest point of said legally existing structure and any point at the height limit whose distance from said highest point is three times the height of said highest point above the height limit.

(↑As amended on October 31, 1980, June 16, 1982, and April 2, 1987)

(Illustrated in Appendix 2)

↑SECTION 16-4. **Height of Buildings in H-1-40 and H-1-50 Districts.** The Board of Appeal may, after public notice and hearing and subject to the provisions of Sections 6-2, 6-3 and 6-4, grant permission for a building to exceed the maximum height specified for H-1-40 and H-1-50 districts by Table B of Section 13-1, provided that said Board of Appeal finds that such height will not have a detrimental effect on the neighborhood and that the Boston Redevelopment Authority has recommended approval.

(↑As inserted on March 20, 1972, and amended on February 28, 1979)

SECTION 16-5. Inserted on September 27, 1973, and deleted on April 2, 1987.

↓SECTION 16-6. **Height of Structures within One Hundred Feet of Certain Streets that Bound Boston Common or the Public Garden.** Any building or portion thereof within one hundred feet of the nearest street line of any street described below shall not exceed the height specified for such street as follows:

- a. Park Street: 65 feet maximum height.
- b. South side of Boylston Street from the westerly sideline of Arlington Street to a point 100 feet west of Arlington Street, to a depth of 50 feet from Boylston Street: 85 feet maximum height; beyond said depth of 50 feet: 130 feet maximum height; except that such requirement in a B-8-120c district shall be subject to the provisions of Article 6A.
- c. Arlington Street from Newbury Street to Commonwealth Avenue: 155 feet maximum height at parapet line; height to top of roof may be 185 feet, provided that the portion of the building above 155 feet is set back a minimum of 20 feet from any parapet line facing a street more than 25 feet wide.

See also Section 38-5.

(↓As inserted on July 7, 1977 and amended on April 2, 1987 and March 20, 1989)

↓SECTION 16-7. **Increase in Height of pre-Code Structures in H-3-65 and B-3-65 Districts.** In an H-3-65 or B-3-65 district, the height of a structure existing on December 31, 1964, shall not be increased by more than one story nor more than 10 feet above its pre-Code height, nor shall the total height of such structure exceed the height limit specified in Table B of Section 13-1. Such additional story and all mechanical equipment shall be set back from the tops of the front and rear walls of the story below it by one-half foot for each foot in height above said tops of front and rear walls.

(↓As inserted on October 31, 1980, and amended on June 18 and August 20, 1981)

↓SECTION 16-8. **Restricted Roof Structure Districts.** In a restricted roof structure district, no roofed structure designed or used for human occupancy, access (except as allowed in following paragraph), or storage, and no roof structure, headhouse, or mechanical equipment normally built above the roof and not designed or used for human occupancy, shall be erected or enlarged on the roof of an existing building if such construction relocates or alters the profile and/or configuration of the

roof or mansard, unless after public notice and hearing and subject to Sections 6-2, 6-3 and 6-4, the Board of Appeal grants a conditional use therefor.

An open roof deck may be erected on the main roof of a building with a flat roof or a roof with a slope of less than five degrees providing that (a) such deck is less than one foot above the highest point of such roof; (b) the total height of the building, including such deck, does not exceed the maximum height specified in Table B of Section 13-1 or specified on the zoning maps, the Zoning Districts City of Boston, as they may be amended from time to time; and (c) access is by roof hatch or bulkhead no more than thirty inches in height above such deck unless, after public notice and hearing and subject to Sections 6-2, 6-3 and 6-4, the Board of Appeal grants permission for a stairway headhouse; and (d) an appurtenant hand rail, balustrade, hatch or bulkhead is set back horizontally, one foot for each foot of height of such appurtenant structure, from a roof edge that faces a street more than twenty feet wide.

Roof structures, headhouses, and mechanical equipment normally built above the roof and not designed or used for human occupancy shall be included in measuring the height of a building if the total area of such roof structures, headhouses, and mechanical equipment exceeds in the aggregate: (a) 330 square feet if the total roof area of the building is 3,300 square feet or less; or (b) ten percent (10%) of the total roof area of the building if such total roof area is greater than 3,300 square feet.

In the restricted roof structure districts mapped in the South End, Bay Village and along St. Botolph Street, the above restrictions shall apply only to residential structures or to structures originally built for residential use. In reaching its decision, the Board of Appeal shall consider whether such roof structure has the potential of damaging the uniformity of height or architectural character of the immediate vicinity.

In the restricted roof structure district mapped in the North End, the above and the following restrictions shall apply to all buildings. The height of any building existing as of the effective date of this regulation shall determine the allowed height on that site subsequent to total or partial demolition or destruction of said building. Any proposed construction on the site that would exceed the prior height would require Board of Appeal approval, and would be subject to the restricted roof structure district regulations and any height limits in place in the district. In making its decision, the Board of Appeal shall consider whether such roof structure has the potential for significantly restricting light and/or air flow to adjacent structures and/or significantly restricting views from roofs, windows, doors, or balconies. Notwithstanding anything in clause (22) of Section 2-1, respecting the definition of the term "grade," if a building abuts more than one street, "grade" is the average elevation of the street with the lowest elevation.

(↑ As inserted on June 18, 1981 and amended on August 20, 1981, June 24, 1985, and March 30, 1989)

↑SECTION 16-9. **Exceptions in B-8-120c District bounded by Blagden Street, Exeter Street, and Huntington Avenue.** In the B-8-120c district bounded by Blagden Street, Exeter Street, and Huntington Avenue, the height of a building may exceed 120 feet, provided that (1) such height does not exceed 200 feet, excluding mechanical equipment and the roof or other structures enclosing such equipment; (2) the gross floor area of the building does not exceed the maximum floor area ratio of 8; (3) at least seventy-five percent (75%) of the gross floor area of the building is devoted to residential use under Use Item No. 7 together with any use lawfully accessory or ancillary to such residential use under the provisions of Table A of Section 8-7 excepting floor areas for off-street parking; and (4) any such building is subject to design review approval of the Boston Redevelopment Authority; said design review to require off-street parking in the amount of 1.75 (one point seven five) spaces per residential unit and 1 (one) space per 1,000 square feet of commercial space.

(↑As inserted on June 17, 1987)

ARTICLE 17

OPEN SPACE REQUIREMENT FOR RESIDENCES

↑SECTION 17-1. **Minimum Usable Open Space.** Where a minimum usable open space per dwelling unit is specified in this code, there shall be allotted and maintained for lawful outdoor uses other than off-street parking on every lot within the district, and devoted to the use, specified, for each dwelling unit intended for family occupancy the minimum usable open space so specified, except that in H-2-65, H-3-65, H-3, H-4 and H-5 districts all or part of this requirement may be met by suitably designed and accessible space on balconies of main buildings or on the roofs of wings of main buildings or on the roofs of accessory buildings. So much of the front, side and rear yards required by this code for the lot as is not devoted to an accessory building or off-street parking or driveway purposes shall be included in computing usable open space for the purposes of this article.

(↑ As amended on February 17, 1971, July 9, 1973, October 31, 1980, and April 27, 1990)

SECTION 17-2. **Exception for Residential Structures Designed for Transient Occupancy.** The provisions of Section 17-1 shall not apply to hotels, motels, hospitals, dormitories or other residential structures intended and designed primarily for transient occupancy.

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ARTICLE 18

FRONT YARDS

↓SECTION 18-1. **Front Yard Requirements.** Where a minimum depth of front yard is specified in this code, so much of every lot within the district specified, and devoted to the use specified, as lies between the street line (or, in the case of a rear lot, the rear line of the lot to the rear of which such rear lot is located) and a line inside the lot parallel to, and such minimum depth (or, in the case of lots to which Section 18-2 applies, the distance described therein) from, the street line (or, in the case of a rear lot, such rear line) is hereby required as a front yard within which no planting other than shade trees shall be maintained more than five feet above the average natural grade in such front yard and within which no structure shall be erected except fences and walls not over five feet in height above said average natural grade in such front yard and except also steps, terraces, open porches without roofs, and the like if not extending more than three feet above the floor of the first story, and except also signs that conform with Article 11. In a required front yard in an L or B district, no plaza, terrace or public access to a basement (other than required by the State Building Code) shall be below the grade of the nearest sidewalk unless, after public notice and hearing and subject to the provisions of Article 6, the Board of Appeal grants a permit therefor. See also Section 22-2A.

(↓As amended on February 20, 1970, February 17, 1971, by two amendments July 9, 1973, September 27, 1973, October 22, 1974, February 14 and April 11, 1979, and April 27, 1990)

↓SECTION 18-2. **Conformity with Existing Building Alignment.** If at any time in the same block as a lot required by this code to have a front yard there exist two or more buildings fronting on the same side of the same street as such lot, instead of the minimum depth specified in this code, the minimum depth of the front yard shall be the modal front yard depth, i.e., the distance between the street line and the face of the building which, as measured by lot widths along said street line, occurs most frequently. The method for making this calculation shall be as follows:

1. For each developed lot on the same side of the same street the distance between the street line and the nearest building is measured. The measurement is rounded off to the nearest half foot if the said buildings are attached and to the nearest foot if the said buildings are detached. The width of each lot is then measured. These measurements may be scaled off from a reliable plan or map.
2. The widths of all lots with the same front yard depth are added up.

3. The front yard depth with the largest total lot width is the minimum front yard depth for the block. If two or more front yard depths have equal lot widths, the one closest to the required front yard shall be the minimum front yard depth.

In a block in which there is a uniform or dominant building line at the upper story level which differs from the modal front yard depth because of ground floor projections, no structure in excess of one story shall be built between the minimum front yard depth and the faces of abutting buildings at the upper story levels.

(↑ As amended on April 14, 1967, February 20, 1970, October 22, 1974, and April 27, 1990)

(Illustrated in Appendix 2)

SECTION 18-3. Traffic Visibility Across Corner. Whenever a front yard is required by Section 18-1 and the lot is a corner lot, no structure or planting interfering with traffic visibility across the corner or higher, in any event, than two and one-half feet above the curb of the abutting street shall be maintained within that part of the required front yard which is within the triangular area formed by the abutting side lines of the intersecting streets and a line joining points on such lines thirty feet distant from their point of intersection.

(Illustrated in Appendix 2)

SECTION 18-4. Article Applicable Along All Street Lines. If a lot abuts on more than one street, the provisions of this Article shall apply along every street line except as otherwise provided in Section 19-6.

SECTION 18-5. Front Wall of Building Not Parallel to Front Lot Line. If the front wall of a building is not parallel to the front lot line, but the average distance between such wall and such lot line is no less than the minimum front yard depth otherwise required by this Article, and the distance between such wall and such lot line is at no point less than three fourths of the minimum front yard depth so otherwise required, the requirements of this Article shall be deemed to be met.

ARTICLE 19

SIDE YARDS

↑SECTION 19-1. **Side Yard Requirements.** Except as otherwise provided in this Article, where a minimum width of side yard is specified in this code, so much of every lot within the district, and devoted to the use, specified, as lies between the lot line on one side of such lot and a line inside the lot parallel to, and such minimum width from, such lot line, and also so much of every such lot as lies between the lot line on the other side of such lot and a line inside the lot parallel to, and such minimum width from, such lot line, are hereby required as side yards within which no planting other than shade trees shall be maintained more than six feet above the average natural grade in such yard and within which no structure shall be erected except: (a) fences and walls not over six feet in height above said average natural grade in such side yard, (b) steps, terraces, open porches without roofs and the like, if not extending more than three feet above the floor of the first story, (c) porches not over half the length of the side wall, ground story bays and open iron fire escapes, if not coming within three feet of any side lot line and not extending more than three and one half feet into the side yard, (d) other fire escapes, bays, balconies, chimneys and flues, if not coming within three feet of any side lot line and not extending into the side yard more than one third of the width of such yard nor more than three and one third feet in any event, (e) belt courses, leaders, sills, pilasters, lintels and ornamental features, if not coming within three feet of any side lot and not extending more than one foot into the side yard, and (f) cornices and gutters, if not coming within three feet of any side lot line and not extending more than two feet into the side yard.

(↑As amended on April 27, 1990)

SECTION 19-2. **Side Yards with Driveways.** Except in S and R districts, no side yard in which there is a driveway providing access to off-street parking, or off-street loading, facilities required by this code shall be less than ten feet in width.

SECTION 19-3. **Accessory Garages and Other Accessory Buildings.** In a S, R or H district, an accessory building may extend into a side yard but not for more than one third of the width of such side yard, except that no part of any such building nearer to the front street line than seventy-five feet or, if that be less, three fourths of the depth of the lot, shall extend into any side yard.

(Illustrated in Appendix 2)

↑SECTION 19-4. **Side Yards in H Districts.** Except as otherwise provided in Section 19-6, no side yard is required in an H district between the front yard required by this code and a line parallel thereto and seventy feet in the rear thereof; nor is any side yard required in an H district along any part of a side lot line on which a building

on the adjoining lot abuts between the rear yard required by this code and said line seventy feet in the rear of the front yard so required. When a side yard is required in an H district, in no event need such yard be wider than twenty feet.

(↑ As amended on April 14, 1967)

↑SECTION 19-5. **Side Yards in L, B, M, I, MER, W, WM, and WS Districts.** In L, B, M, I, MER, W, WM, and WS districts, no side yard is required except in the case of (a) a lot used for dwelling purposes, which shall have side yards as prescribed by Section 13-4, and (b) a lot with a side lot line abutting a S, R or H district, which shall have side yards as if it were in such abutting district. See also Section 22-2A.

(↑As amended on February 14, 1979, August 30, 1988, and April 27, 1990)

SECTION 19-6. **Special Provisions for Corner Lots.**

(a) The front yard and front setback requirements of this code, and not the side yard requirements of this Article, shall apply to that part of a side lot line which is also a street line extending more than one hundred feet from the intersection of such line with another street.

↑(b) In any H district with the exception of an H-3-65 district, the width of the side yard along a side lot line of a lot which is also a street line shall be one half the front yard depth required by this code for the lot; and in all other districts, except B-3-65, B-6-90a, B-8-120a, and B-8-120b districts or unless no side yard is required, such width shall be one fifth of the width of the lot measured at the front yard line but not less than the side yard width specified for the lot in Table B of Section 13-1, except that such width need not be greater than the front yard depth required by this code for the lot; provided, however, that if in any district a side lot line of a lot is also a street line and the rear lot line of such lot is the side lot line of a lot fronting on such street, the front yard requirements of this code applicable to such adjoining lot shall apply along so much of the side lot line of the lot as lies within thirty feet of the side lot line of the adjoining lot.

(↑As amended on July 9, 1973, September 27, 1973, October 31, 1980, and April 2, 1987)

(Illustrated in Appendix 2)

↑(c) In H-3-65, B-3-65, B-6-90a, B-8-120a, and B-8-120b districts, regardless of the orientation of a building on a corner lot the minimum depth of yards abutting the east-west streets is 20 feet and no yards are required on north-south streets.

(↑ As inserted on July 9, 1973, and amended on September 27, 1973, October 31, 1980, and April 2, 1987)

SECTION 19-7. Side Wall of Building Not Parallel to Side Lot Line. If the side wall of a building is not parallel to the side lot line nearest to it, but the average distance between such wall and such lot line is no less than the minimum side yard width otherwise required by this Article, and the distance between such wall and such lot line is at no point less, in the case of a side lot line which is not also a street line, than three-fourths of the minimum side yard width so otherwise required, and in the case of a side lot line which is also a street line, than one-half of the minimum side yard width so otherwise required, the requirements of this Article shall be deemed to be met.

(Illustrated in Appendix 2)

↓ **SECTION 19-8. Side Yards of Certain Narrow Lots.** For each full foot by which a lot existing at the time this code takes effect is narrower than the minimum lot width specified for such lot in this code or, if no minimum lot width is so specified, than fifty feet, one and one half inches shall be deducted from the width otherwise required by this Article for each side yard thereof; provided that in no event shall either side yard of any such lot in a S, R or H district be less than eight feet wide, or in any other district less than six feet wide.

(↑ As amended on April 27, 1990)

(Illustrated in Appendix 2)

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ARTICLE 20

REAR YARDS

↓SECTION 20-1. **Rear Yard Requirements.** Except as otherwise provided in this Article, where a minimum depth of rear yard is specified in this code, so much of every lot within the district, and devoted to the use, specified, as lies between the rear lot line and a line inside the lot parallel to, and such minimum depth from, the rear lot line is hereby required as a rear yard within which no structure shall be erected.

(↓As amended on April 27, 1990)

SECTION 20-2. **Accessory Buildings.** Accessory buildings may be erected in a rear yard; provided that no such building is more than fifteen feet in height or nearer than four feet to any side lot line; and provided further, that in a S, R or H district the accessory buildings in any one rear yard shall not occupy in the aggregate a greater percentage of such rear yard than that specified in Table B of Section 13-1.

SECTION 20-3. **Projections into Rear Yards.** Projections allowed by Section 19-1 into side yards may project the same distance into rear yards but in no case within ten feet of a rear lot line or within eight feet of an accessory building.

↓SECTION 20-4. **Rear Yards in H Districts.** In an H district, other than an H-3-65 district, a lot with no side yard shall have a rear yard at least thirty feet deep; and a lot with side yards conforming to Section 19-4 need not have a rear yard deeper than twenty feet.

(↓As amended on October 31, 1980)

↓SECTION 20-5. **Rear Yards in L, B, M, I, MER, W, WM, and WS Districts.** If a rear lot line in an L, B, M, I, MER, W, WM, or WS district abuts a S, R or H district, such lot shall have a rear yard ten feet deeper than the minimum depth of rear yard specified in this code; provided that such lot need not have a rear yard deeper than twenty feet. See also Section 22-2A.

(↓As amended on February 14, 1979, August 30, 1988, and April 27, 1990)

SECTION 20-6. **Rear Wall of Building Not Parallel to Rear Lot Line.** If the rear wall of a building is not parallel to the rear lot line and the rear lot line is not also a street line, but the average distance between such wall and such lot line is no less than the minimum rear yard depth otherwise required by this Article, and the distance between such wall and such lot line is at no point less than three fourths of the minimum rear yard depth so otherwise required, the requirements of this Article shall be deemed to be met.

↓SECTION 20-7. **Rear Yards of Through Lots.** The front yard requirements of this code, and not the rear yard requirement of this Article, shall apply to that part of a rear yard which is also a street line except in the case of a rear yard which abuts a street less than twenty feet in width.

(↓As amended on April 14, 1967, and July 9, 1973)

SECTION 20-8. **Rear Yards of Certain Shallow Lots.** For each full foot by which a lot existing at the time this code takes effect is less than one hundred feet deep, six inches shall be deducted from the depth otherwise required by this Article for the rear yard thereof; provided that in no event shall the rear yard of any such lot be less than ten feet deep.

ARTICLE 21

SETBACKS

↓SECTION 21-1. **Setback Requirements.** Except as otherwise provided in this Article, where a minimum setback of parapet from lot line is specified in this code, neither the top line of the face of any wall of a structure within the district, and devoted to the use, specified, nor any cornice, eaves, parapet or other feature topping or overhanging such wall shall be closer to any lot line to which it is parallel or most nearly parallel than the distance specified in said Table B or, if such lot line abuts on a public open space or on one of two or more contiguous public open spaces, such distance minus whichever of the following is the lesser: (1) one half of the width of such open space or spaces, or (2) fifty feet.

(↓As amended on April 27, 1990)

SECTION 21-2. **Exceptions.**

- ↓(a) No setback is required in any event below whichever of the following is the lower: (1) the combined height of the first and any second story above the grade from which the height of the building is measured, or (2) twenty-five feet.

(↓As amended on September 23, 1987)

- ↓(b) Subject to the provisions of Section 19-6, no setback from side lot lines or from side street lines of corner lots is required:

Below a Height of	Where Maximum Floor Area Ratio Specified in Table B is:
40 ft.	1.0
60 ft.	2.0
70 ft.	3.0
80 ft.	4.0
90 ft.	5.0
90 ft.+	6.0
110 ft.+	8.0
120 ft.	10.0

↓Except that in B-6-90a, B-6-90b, B-8-120a, and B-8-120c districts, no set back from a side lot line is required.

(↑ As amended on September 27, 1973, and April 2, 1987)

(c) In the case of a lot in a district where no side yard is required by this code, if there is on either or both sides of such lot a lot with a building not conforming to the setback from side lot lines required by this code, no setback from side lot lines is required below a height midway between the height specified in paragraph (b) of this section and the height of the nonconforming building or, if there is a nonconforming building on each side, the average height of the nonconforming buildings.

↓(d) In certain blocks in the Back Bay, there are exceptional setback requirements as follows:

South side of Boylston Street

Arlington Street to
Berkeley Street

A minimum of fifteen feet
from the front building line,
except applicable only above
a height of ninety feet.

Block bounded by Blagden
Street, Exeter Street,
and Huntington Avenue

As required in this Article
and Table B of Section 13-1,
except applicable only above
a height of ninety feet.

Both sides of Boylston Street

Copley Square, between
Clarendon Street and
Exeter Street

A minimum of fifteen feet
from the front building line,
except applicable only above
a height of sixty-five feet.

North side of Boylston Street

Fairfield Street to
Massachusetts Avenue

A minimum of fifteen feet
from the rear building line,
except applicable only above
a height of ninety feet.

Except as specifically set forth above, all setbacks in the blocks listed above shall be as otherwise required in this Article and in Table B of Section 13-1. All setback requirements in a B-6-90a, B-6-90b, B-8-120a, or B-8-120c district are subject to the provisions of Article 6A.

(↑As inserted on April 2, 1987)

SECTION 21-3. Setback Where Parapet Not Parallel to Lot Line.

- (a) If the lot line to which a parapet is most nearly parallel is a front lot line, and if the average distance between such parapet and such lot line is no less than the setback otherwise required by this Article, and if the distance between such parapet and such lot line is at no point less than three fourths of the setback so otherwise required, the requirements of this Article shall be deemed to be met.
- (b) If the lot line to which a parapet is most nearly parallel is a side lot line, and if the average distance between such parapet and such lot line is no less than the setback otherwise required by this Article, and if the distance between such parapet and such lot line is at no point less, in the case of a side lot line which is not also a street line, than three fourths of the setback otherwise required by this Article and, in the case of a side lot line which is also a street line, than one half of the setback so required, the requirements of this Article shall be deemed to be met.
- (c) If the lot line to which a parapet is more nearly parallel is a rear lot line, and if the average distance between such parapet and such lot line is no less than the setback otherwise required by this Article, and if the distance between such parapet and such lot line is at no point less, in the case of a rear lot line which is not also a street line, than three fourths of the setback otherwise required by this Article and, in the case of a rear lot line which is also a street line, than one-half of the setback so required, the requirements of this Article shall be deemed to be met.
- (d) The word "parapet," as used in this section, shall be construed as though followed by the words "cornice, eaves or other feature topping or overhanging a wall or the face of a wall without such a feature."

SECTION 21-4. Two or More Main Buildings on One Lot. In the case of a lot with two or more main buildings, every lot line which is also a street line shall be deemed a front lot line for the purposes of this Article.

SECTION 21-5. Special Setback Provisions for Regulated Projects. The provisions of this Article shall not apply to so much of a project under Chapter 121, or Chapter 121A, of the General Laws for the development or redevelopment of five or more acres of land as lies within a B-8 district or a B-10 district.

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ARTICLE 22

YARD REGULATIONS

SECTION 22-1. Residential Districts. In S and R districts every yard required by this code, and in H districts every yard so required except rear yards and except also side yards not abutting a street line, shall, along every lot line on which such yard abuts, be at a level no higher than grade level or, if the grade level of the abutting lot is higher be at a level no higher than such higher level. Rear yards in H districts and also side yards in such districts not abutting a street line shall, along every lot line on which they abut, be at a level no higher than five feet above grade level.

↑**SECTION 22-2. Other Districts.** In any district, except an S, R, or H district, every front yard required by this code shall, along every lot line on which such yard abuts, be at grade level; and every rear yard so required and every side yard so required which does not abut a street line shall, along every lot line on which such yard abuts, be at a level no higher than the level of the lowest window sill in the lowest room designed for human occupancy or so occupied, and relying upon natural light or natural ventilation from windows opening on such yard.

(↑As amended on August 30, 1988 and April 27, 1990)

↑**SECTION 22-2A. Landscaping or Screening of Lots in M, I, MER, W, WM, and WS Districts that Abut S, R or H Districts.** When a front, side or rear yard (if any) of a lot in an M, I, MER, W, WM, or WS district abuts or is across the street from an S, R or H district, if such lot is used for a use that is forbidden in the abutting S, R or H district, such yard shall be screened by a concealing fence or wall or be landscaped. In either case, the design of the screening or landscaping must be approved by the design section of the Boston Redevelopment Authority, and the plantings, fencing or wall must be adequately maintained thereafter. For purposes of this section, two districts shall not be deemed to abut one another if the boundary between them is a rail right of way or river, or to be across the street from one another if such street is 60 feet or more in width.

This requirement for landscaping or screening shall apply to any change in the use of a building or structure or of land, and to any alteration of a building or structure when the same would amount to a reconstruction or extension, Section 13-3 notwithstanding.

(↑As inserted on February 14, 1979 and amended on August 30, 1988 and April 27, 1990)

SECTION 22-3. Underground Encroachments. In any district other than a S or R district, any garage or other accessory structure erected underground within any

rear yard or side yard required by this code, including the piers, railings and parapets thereof, shall not extend more than five feet above grade level.

SECTION 22-4. Two or More Dwellings on Same Lot. If on one lot there are two or more dwellings (other than temporary dwellings) designed for occupancy, or occupied, by one or more families, or if on one lot there are one or more such dwellings and one or more other main buildings, such dwellings shall be separated from each other and from such other buildings by yards of the same minimum depths, and the provisions of Article 21 shall apply, as if each dwelling were on a separate lot; and if such dwelling is to the rear of another dwelling or other main building, the provisions of paragraph (c) of Section 14-5 shall also apply. After public notice and hearing and subject to the provisions of Section 6-2, the Board of Appeal may grant permission for a variation from the requirements of this section if it finds that open space for all occupants, and light and air for all rooms designed for human occupancy, will not be less than would be provided if the requirements of this section were met.

SECTION 22-5. Two or More Other Main Buildings on One Lot. If on one lot there are two or more main buildings other than dwellings (which phrase, as here used, shall not be construed as excluding temporary dwellings from the words "main buildings"), the yard and setback requirements of this code shall apply at each actual lot line and not as if each building were on a separate lot.

ARTICLE 23

OFF-STREET PARKING

↓SECTION 23-1. **Residential Uses.** No structure or land shall be used for any use listed in Table A of Section 8-7 under Use Items Nos. 1, 1A, 2, 3, 4, 5, 6, 7, 7A, 7B, 8, 9, 10, 11, 12, 13, 13A, 14 or 15, unless off-street parking facilities are provided as follows:

If the Maximum Floor Area Ratio Specified in Table B of Section 13-1 for the Lot is:	For Each Dwelling Unit* There Shall Provided at Least:
0.3 or 0.5	1.0 space+
0.8 or 1.0	0.9 space+
2.0	0.7 space+
3.0	0.6 space+
4.0	0.5 space+
5.0	0.4 space+

* Where use is not divided into dwelling units:

- (a) If sleeping rooms have accommodations for not more than two persons, each two sleeping rooms shall constitute one dwelling unit; and
- (b) If sleeping rooms have accommodations for more than two persons, each four beds shall constitute one dwelling unit.

+ or, in the case of housing projects for elderly persons of low income, 0.2 space. Housing projects for elderly persons of low income, as used herein, shall be deemed to mean such housing constructed under the Housing Authority law of the Commonwealth of Massachusetts and/or the United States Housing Act of 1937 as amended.

(↓As amended on November 26, 1965, April 14, 1967, November 9, 1978, April 11, 1979, August 10, 1979, and June 29, 1984)

↓SECTION 23-2. **Public Assembly Uses.** Except in a restricted parking district, no structure or land shall be used for any use listed in Table A of Section 8-7 under Use Item Nos. 21, 27, 28, 29, 30, 36A, 37, 38, 38A, 52, 62, 63, or 66 unless off-street parking facilities are provided as follows:

If the Maximum Floor Area Ratio Specified in Table B of Section 13-1 for the Lot is:

One Space shall be Provided,
If There Are Seats*,
for Each: If There Are
No Seats,
for Each:

0.3 or 0.5	5 seats	100	square
0.8 or 1.0	6 seats	120	feet of
2.0	8 seats	160	public
3.0	15 seats	300	floor
4.0	20 seats	400	area in
5.0	20 seats	400	structures

- * Where benches are used for seating purposes, each two lineal feet of bench shall constitute one seat.

Except that places of worship need provide no more than one half of such number of spaces.

(↑As amended on September 27, 1973 and March 5, 1975)

↑SECTION 23-3. **Institutional Uses.** Except in a restricted parking district, no structure or land shall be used for any use listed in Table A of Section 8-7 under Use Item Nos. 16, 16A, 17, 18, 19, 20, 20A, 22, 22A, 23, 24, 25, 39A, 77 or 79, unless off-street parking facilities are provided as follows:

If the Maximum Floor Area Ratio Specified in Table B of Section 13-1 for the Lot is:

One Space Shall be
Provided for Each:

0.3 or 0.5	600	square
0.8 or 1.0	700	feet
2.0	1,000	of
3.0	1,800	gross
4.0	2,400	floor
5.0	2,400	area

Provided that any use under Use Item Nos. 16, 17, 18 or 19 primarily for children under sixteen need provide no more than one half of such number of spaces; and provided further that where an institution maintains one or more dormitories, the number of parking spaces accessory to such dormitories shall be deducted from the number of parking spaces otherwise required by this section for a lot with classrooms, libraries, lecture halls, laboratories and similar educational areas normally used by persons resident in such dormitories unless such lot is regularly used by persons not resident in such dormitories or the parking spaces accessory to such dormitories are more than twelve hundred feet from such lot.

(↑As amended on July 9, 1973, September 27, 1973, October 19, 1978 and January 8, 1982)

↓SECTION 23-4. **Retail and Office Uses.** Except in a restricted parking district, no structure or land shall be used for any use listed in Table A of Section 8-7 under Use Item Nos. 32, 33, 34, 34A, 35, 36, 39, 40, 41, 42, 43, 44, 46, 47, 48, 49, 50, 51, 61, 73, 74 or 78 unless off-street parking facilities are provided as follows:

If the Maximum Floor Area Ratio Specified in Table B of Section 13-1 for the Lot is:		One Space Shall be Provided:		
		for Each:	and also for Each:	
0.3 or 0.5	300	square	600	square
0.8 or 1.0	350	feet of	700	feet of
2.0	500	gross floor	1,000	other
3.0	900	area on	1,800	gross
4.0	1,200	ground	2,400	floor
5.0	1,200	floor	2,400	area*

- * Where main use on a lot is an open-air use not enclosed in a structure, the area of the part of the lot actually devoted to such use shall constitute floor area.

(↑As amended on August 12, 1971, July 9, 1973, September 27, 1973, and March 5, 1975)

↓SECTION 23-5. **Factory and Warehouse Uses.** Except in a restricted parking district, no structure or land shall be used for any use listed in Table A of Section 8-7 under Use Item Nos. 31, 45, 54, 55, 56, 57, 60, 60A, 64, 65, 67, 68, 69, or 70 unless off-street parking facilities are provided as follows:

If the Maximum Floor Area Ratio Specified in Table B of Section 13-1 for the Lot is:		One Space shall be provided for Each:	
0.3 or 0.5		1,000	square
0.8 or 1.0		1,200	feet
2.0		1,600	of
3.0		2,000	gross
4.0		3,000	floor
5.0		3,000	area*

- * Where main use on a lot is an open-air use not enclosed in a structure, the area of the part of the lot actually devoted to such use shall constitute floor area.

(↑As amended July 9, 1973, and September 27, 1973)

SECTION 23-6. Off-Street Parking Not Required in Certain Cases.

- (a) When the maximum floor area ratio specified in Table B of Section 13-1 for a lot is 8.0 or 10.0, off-street parking facilities are not required for such lot.
- (b) When the maximum floor area ratio specified in Table B of Section 13-1 for a lot is 0.8, 1.0, 2.0, 3.0, 4.0, or 5.0, off-street parking facilities are not required for such lot if the lot is devoted to residential uses and no more than two car spaces are required by Section 23-1 or if the lot is devoted to non-residential uses and no more than four car spaces are required by other provisions of this Article.
- (c) When the maximum floor area ratio specified in Table B of Section 13-1 for a lot is 0.3 or 0.5, off-street parking facilities are not required for such lot if the lot is devoted to non-residential uses and no more than two car spaces are required by other provisions of this Article.

SECTION 23-7. Mixed Uses.

- (a) If a lot by reason of a diversity of occupancies is subject to more than one of the first five sections of this Article, the number of car spaces required by each section for the occupancies subject to it shall be determined, and then such numbers totalled; and off-street parking facilities with such total number of car spaces shall be provided.
- (b) If a single occupancy involves uses subject to more than one of the first five sections of this Article, off-street parking facilities shall be provided for such occupancy in accordance with the section to which the dominant use is subject, except that if a minor use subject to another of said sections occupies more than ten thousand square feet or more than twenty-five percent of the gross floor area of the structure, off-street parking facilities shall be provided as if the lot were by reason of a diversity of occupancies subject to more than one of said sections.

↑SECTION 23-7A. **Pre-Code Structures.** If a structure existing on December 31, 1964, is altered or extended so as to increase its gross floor area or the number of dwelling units, only the additional gross floor area or the additional number of dwelling units shall be counted in computing the off-street parking facilities required.

(↑As inserted April 14, 1967)

↓SECTION 23-8. **Location.**

- (a) Except in the case of a lot serviced by a common parking facility, the off-street parking facilities required by this Article shall be provided on the same lot as the main use to which they are accessory; provided, however, that if the Board of Appeal shall be of the opinion that this is impractical with respect to a particular lot, said Board, after public notice and hearing and subject to the provisions of Sections 6-2, 6-3 and 6-4, may grant permission for such facilities to be on another lot in the same ownership in either of the following cases: -- (1) where the main use on the particular lot is for residential purposes and the other lot is within four hundred feet of the particular lot; and (2) where the main use on the particular lot is for non-residential purposes and the other lot is within twelve hundred feet of the particular lot.
- (b) After public notice and hearing and subject to the provisions of Sections 6-2, 6-3 and 6-4, the Board of Appeal may grant permission for a common parking facility cooperatively established and operated to service two or more uses of the same or different types; provided, that there is a permanent allocation of the requisite number of spaces for each use and that the total number of spaces is not less than the aggregate of the numbers required for each use.
- (c) Parking spaces provided by the City on public right-of-way adjacent to housing units for families of low or moderate income or families displaced from urban renewal areas or as a result of governmental action, when such housing units will have mortgage insurance provided according to Title 12 U.S. Code (1964 edition) S. 1715 (L), as amended from time to time, and when such parking spaces are clearly intended by their location and design to be used primarily by residents of such housing units and their visitors, may be substituted space for space for the parking spaces required by this code. This section shall not apply to parking spaces along the curb of any street which is used primarily for the movement of vehicles belonging to others than residents of such housing or their visitors.

(↑As amended April 14, 1967)

SECTION 23-9. **Design.** All off-street parking facilities provided to comply with this Article shall meet the following specifications:

- (a) Such facilities shall have car spaces to the number specified by this Article, maneuvering areas and appropriate means of vehicular

access to a street, and shall be so designed as not to constitute a nuisance or a hazard or unreasonable impediment to traffic; and all lighting shall be so arranged as to shine downward and away from streets and residences.

- (b) Such facilities, whether open or enclosed in a structure, shall be so graded, surfaced, drained and maintained as to prevent water and dust therefrom going upon any street or another lot.
- (c) Such facilities shall not be used for automobile sales, dead storage, or repair work, dismantling or servicing of any kind.
- (d) Each car space shall be located entirely on the lot and shall be no less than eight and one half feet in width and twenty feet in length, exclusive of maneuvering areas and access drives.

SECTION 23-10. **Maintenance.** All off-street parking facilities provided to comply with this Article shall be maintained exclusively for the parking of motor vehicles so long as a use requiring them exists. Such facilities shall be used in such a manner as at no time to constitute a nuisance or a hazard or unreasonable impediment to traffic.

ARTICLE 24

OFF-STREET LOADING

SECTION 24-1. Off-Street Loading Bay Requirements. No structure or land shall be used for any use unless off-street loading facilities are provided on the lot as follows:

Gross Floor Area (in square feet)	Number of Loading Bays Required		
	Group I Uses*	Group II Uses**	Group III Uses***
Under 15,000	0	0	0
15,000 to 50,000	0	1	1
50,000 to 100,000	0	1	2
100,000 to 150,000	0	2	3
150,000 to 300,000	0	3	4
300,000 and over	0	↑	#

↑ 4 plus 1 for each additional 150,000 square feet

5 plus 1 for each additional 150,000 square feet

* Uses listed in Table A of Section 8-7 under Use Item Nos. 1, 1A, 2, 3, 4, 5, 6, 7, 7A, 7B, 8, 9, 10, 22A, 26, 27, 28, 31, 32, 33, 39, 39A, 40, 50, 52, 53, 58 and 59.

** Uses listed in Table A of Section 8-7 under Use Item Nos. 11, 12, 13, 13A, 14, 15, 16, 16A, 17, 18, 19, 20, 20A, 21, 22, 23, 24, 25, 29, 30, 36A, 37, 38, 38A, 41, 42, 43, 44, 46, 47, 48, 49 and 51.

*** Uses listed in Table A of Section 8-7 under Use Item Nos. 34, 34A, 35, 36, 45, 54, 55, 56, 57, 60, 60A, 61, 62, 63, 64, 65, 66, 67, 68, 69 and 70.

Mixed Uses. If a lot by reason of a diversity of occupancies falls within more than one use group, the number of loading bays required by the occupancies within each use group shall be determined and then such numbers totalled; and off-street loading facilities with such total number of bays shall be provided.

Pre-Code Structures. If a structure existing when this code took effect is altered or extended so as to increase its gross floor area, only the additional gross floor area shall be counted in computing the off-street loading bays required.

(↑As amended on April 14, 1967, April 30, 1968, August 12, 1971, July 9, 1973, March 5, 1975, October 19, 1978, November 9, 1978, August 10, 1979, January 8, 1982, and June 29, 1984)

SECTION 24-2. Design. All off-street loading facilities provided to comply with Section 24-1 shall meet the following specifications:

- (a) Such facilities shall have bays, maneuvering areas, and appropriate means of vehicular access to a street, and shall be so designed as not to constitute a nuisance or a hazard or unreasonable impediment to traffic; and all lighting shall be so arranged as to shine away from streets and residences.
- (b) Such facilities, including all bays, maneuvering areas and access drives, shall be so graded, surfaced, drained and maintained as to prevent water and dust therefrom going upon any street or another lot.
- (c) Each loading bay shall be located entirely on the lot and shall be no less than ten feet in width, twenty-five feet in length, and fourteen feet in height, exclusive of maneuvering areas and access drives. Each loading bay within fifty feet of a residential district shall be enclosed in a structure if the use regularly involves night operations.

SECTION 24-3. Maintenance. All off-street loading facilities provided to comply with Section 24-1 shall be maintained exclusively for loading and unloading purposes so long as a use requiring them exists. Such facilities shall be used in such a manner as at no time to constitute a nuisance or a hazard or unreasonable impediment to traffic.

↕ ARTICLE 25

FLOOD HAZARD DISTRICTS

(↕ Article inserted on March 26, 1982*)

SECTION 25-1. Statement of Purpose. The purpose of this article is to promote the health and safety of the occupants of land against the hazards of flooding, to preserve and protect the streams and other water courses in the city and their adjoining lands, to protect the community against detrimental use and development, and to minimize flood losses, by provisions designed to:

1. Restrict or prohibit uses and structures which are dangerous to health, safety or property because of water hazards or which cause damaging increases in flood heights or flood velocities.
2. Consider flood plain management in neighboring areas.

SECTION 25-2. Warning and Disclaimer of Liability. The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods may occur. This article does not imply that areas outside designated flood hazard districts or land uses permitted within such districts will be free from flooding or flood damages. This article shall not create liability on the part of the City of Boston or any officer or employee thereof for any flood damages that may result from reliance on this article or from any administrative decision lawfully made thereunder.

↕ **SECTION 25-3. Definition and Location of Districts.** Flood hazard districts, also called special flood hazard areas, are defined as lands in a flood plain that are subject to a one percent probability of flooding in any given year. Such flooding is known as the base or 100-year flood. Said districts are shown on a series of map panels prepared by the Federal Emergency Management Agency (FEMA) entitled "FIRM/Flood Insurance Rate Map/City of Boston, Massachusetts/ Suffolk County" effective April 1, 1982, as such map panels may from time to time be revised. The map identifies special flood hazard areas as A and V zones. V zones are certain coastal areas that are subject to additional hazard because of water velocity and waves. The maps also give the elevations of the base flood in feet above mean sea level (National Geodetic Vertical Datum of 1929).

A floodway is defined as the channel of a river or other waterway plus overbank areas that must be kept open in order to discharge the 100-year flood without increasing flood heights. One floodway, for Mother Brook in Hyde Park, is identified

(*Article 25 was originally inserted on March 24, 1977 and was replaced in its entirety on March 26, 1982.)

by FEMA on a map entitled "Floodway/Flood Boundary and Floodway Map/City of Boston, Massachusetts/Suffolk County/Panel 21 of 31" effective April 1, 1982, as said map may from time to time be revised.

The maps are based on a scientific and engineering study by FEMA entitled "Flood Insurance Study/City of Boston, Massachusetts, Suffolk County" and initially dated October 1, 1981, as said study may from time to time be revised.

Said study and the FIRM and Floodway maps and all maps which, by amendment by the Federal Emergency Management Agency, may be substituted therefor or made supplemental thereto shall be deemed to be, and are hereby made, a part of this code. Said maps and study are on file in the offices of the Building Department, the Conservation Commission, the Zoning Commission and the Engineering Division of the Public Works Department.

(↑As amended on December 6, 1990)

SECTION 25-4. Interpretation of Maps. The Building Commissioner shall make interpretations, where needed, as to the exact boundaries of flood hazard districts or floodways. If the map information does not reflect actual site conditions in relation to the base flood elevation, said Commissioner may determine that a location is within or outside a flood hazard district, based on actual elevations provided by a registered professional surveyor or registered professional engineer. Such determination may be appealed to the Board of Appeal under the provisions of Section 5-2 of this code.

The City or an individual may appeal to the Federal Emergency Management Agency to amend the FIRM or Floodway maps or the Flood Insurance Study.

SECTION 25-5. Regulations. Development in flood hazard districts, including any manmade change to improved or unimproved real estate, such as buildings or other structures, dredging, filling, driving of piles, grading, paving, excavation or drilling operations, shall be subject to the following regulations:

1. **Residential Construction.** New residential construction shall have the lowest floor, including basement, elevated to or above the base flood elevation.
2. **Nonresidential Construction.** New construction of any commercial, industrial or other nonresidential structure either shall have the lowest floor, including basement, elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

- (1) be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water; and
 - (2) have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
 - (3) be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certifications shall be provided to the Building Commissioner.
3. **Pre-existing Structures.** In the case of a building or structure that lawfully exists or for which a building permit has been lawfully issued prior to the effective date of this article, the Board of Appeal may grant permission for reconstruction, structural change or extension thereof under the provisions of Section 9-1, provided that any nonconformity with items 1 and 2 above is not increased.
4. **Storage of Materials and Equipment.** Storage or processing of materials that are flammable, explosive or injurious to water quality or to human, animal or plant life is forbidden in any flood hazard district. Storage of other material or equipment shall be firmly anchored to prevent flotation or be readily removable from the area.
5. **Grading, Filling, Excavating, Dredging, Driving of Piles.** No building permit shall be issued for any work that involves grading, filling, excavating, dredging, driving of piles, paving or other activity that is subject to Chapter 131, Section 40, as amended, of the Massachusetts General Laws unless such work complies with a final order of conditions issued by the Boston Conservation Commission.
6. **Mobile Homes.** No mobile home shall be placed in a flood hazard district.
7. **Floodways.** In a designated floodway there shall be no encroachment, in the form of fill, new construction, substantial improvements, or other development, unless a technical evaluation demonstrates that such encroachment will not result in any increase in flood levels during the base flood discharge.
8. **High Hazard Coastal Districts.** In any V zone, any structure or substantial improvement of any existing structure shall be located landward of the reach of mean high tide.

↑SECTION 25-6. **Variances.** Subject to the provisions of Sections 7-2, 7-3, and 7-4, the Board of Appeal may, in a specific case and after public notice and hearing,

grant a variance from the provisions of this article provided that the Board of Appeal finds that the proposed use or structure (a) will not derogate from the purpose of this article, (b) will comply with the provisions of the underlying subdistrict or subdistricts, (c) will not overload any public water, drainage or sewer system to such an extent that the proposed use or any developed use in the area or in any other area will be unduly subjected to hazards affecting health, safety or the general welfare, and (d) will not be located within a floodway unless it is demonstrated to the satisfaction of the Board of Appeal that there will be no increase in flood levels during the base flood discharge.

Such variances shall lapse and become null and void unless used within two years after the record of said Board's proceedings pertaining thereto is filed with the Building Commissioner pursuant to Section 8 of Chapter 665 of the Acts of 1956 as amended.

Factors to be Considered. In considering a petition for a variance from the provisions of this article, the Board of Appeal shall consider all technical evaluations, standards in other sections of the article and:

- a. the danger that materials may be swept onto other lands to the injury of others;
- b. the danger to life and property due to flooding;
- c. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- d. the importance of the services provided by the proposed facility to the community;
- e. the necessity to the facility of a waterfront location, where applicable;
- f. the availability of alternative locations for the proposed use which are not subject to flood damage;
- g. the compatibility of the proposed use with existing and anticipated development;
- h. the relationship of the proposed use to the comprehensive plan and flood plain management program of the area;
- i. the safety of access to the property in times of flood for ordinary and emergency vehicles;

- j. the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
- k. the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

Procedures. At the time a variance from item 1 or item 2 of Section 25-5 is issued, the Executive Secretary of the Board of Appeal shall notify the petitioner in writing that (1) construction permitted by said variance will be subject to increased flood insurance rates commensurate with the degree of nonconformity, and (2) construction below the base flood elevation increases risks to life and property.

The Board of Appeal shall maintain a record of all variances granted from Section 25-5, including justification for their issuance. Such variances shall be reported to the Federal Emergency Management Agency in such annual or periodic report as may be requested by the Agency.

Historic Structures. A variance from the provisions of this article may be granted by the Board of Appeal, after due notice and hearing, for the reconstruction or restoration of a structure, or of a structure in a district, which is listed in the National Register of Historic Places or which has been designated by the Boston Landmarks Commission under the provisions of Chapter 772 of the Acts of 1975, even though the requirements of this section are not met.

(↓As amended on December 6, 1990)

↓SECTION 25-6A. **Exceptions.** Subject to the provisions of Article 6A, the Board of Appeal may, in a specific case and after public notice and hearing, grant an exception to the requirement in Section 25-5.8, provided that the project for fill, new construction, substantial improvement, or other development has received a Conditional Letter of Map Revision (CLOMR) from the Federal Emergency Management Agency.

(↓Inserted on December 6, 1990)

SECTION 25-7. **Application.** The provisions of this article are not intended to repeal, amend, abrogate, annual, or interfere with any lawfully adopted statutes, ordinances, covenants, regulations or rules. However, where this article imposes greater restrictions, the provisions of this article shall govern. (Note: The jurisdiction of the Boston Conservation Commission under Chapter 131, Section 40, of the Massachusetts General Laws includes areas not shown on the FIRM and Floodway maps.)

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↓ARTICLE 26

DEVELOPMENT IMPACT PROJECTS

(↓Article inserted on December 29, 1983 and
deleted on May 9, 1996 by Text Amendment No. 227.)

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↓ARTICLE 26A

DEVELOPMENT IMPACT PROJECTS - HOUSING

(↓Article inserted on February 27, 1986 and
deleted on May 9, 1996 by Text Amendment No. 227.)

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↓ARTICLE 26B

DEVELOPMENT IMPACT PROJECTS - JOB TRAINING

(↓Article inserted on February 27, 1986 and
deleted on May 9, 1996 by Text Amendment No. 227.)

[Ed. note: For Development Impact Project requirements, see Article 80, Development Review and Approval, at Section 80B-7, Development Impact Project Exactions.]

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↓ARTICLE 27

INTERIM PLANNING OVERLAY DISTRICT

(↓Article inserted on November 23, 1984)

SECTION 27-1. Statement of Purpose.

The Commission finds that:

1. The attributes of an evolving city make it necessary from time to time to consider rezoning of an area;
2. it is usually desirable to precede a contemplated rezoning of an area with a comprehensive planning study;
3. a reasonable period of time is required to complete such comprehensive planning study, given the need to assemble and consider adequately the necessary economic, social, physical and other information, and to hold public hearings and otherwise involve the public in the planning process;
4. the preparation, drafting, and adoption of a proposed rezoning may take a significant period of time to complete;
5. in the time period during which the comprehensive planning study and contemplated rezoning are prepared, it is essential to protect the area under review from unwise development that would frustrate the ultimate goals of the comprehensive planning process and contemplated rezoning;
6. the use of interim zoning measures to protect the integrity of an area pending completion of a comprehensive planning study and preparation of a rezoning proposal is a commonly used technique around the country.

Therefore, under the authority of Chapter 665 of the Acts of 1956 and Chapter 652 of the Acts of 1960 this article is established.

↓SECTION 27-2. Basic Regulations.

1. An Interim Planning Overlay District shall be established through text and map amendment to the Zoning Code and zoning maps.
2. An Interim Planning Overlay District may operate to suspend all or a portion of the existing underlying zoning of an area for the period during which the Interim Planning Overlay District shall be in effect.

3. An Interim Planning Overlay District shall be adopted for a specified time period, not to exceed two years; provided that, notwithstanding any contrary provision of this code, including, but not limited to, any provision of an effective Interim Planning Overlay District, such time period shall automatically be extended until final zoning for the Interim Planning Overlay District is adopted by the Zoning Commission, but in no case shall an Interim Planning Overlay District be automatically extended to be in effect for a period exceeding three years. An Interim Planning Overlay District may also be extended, with respect to all or any part of the area within such District, by approval of the Zoning Commission at any time, after public notice and hearing. An Interim Planning Overlay District shall dissolve upon expiration of the specified time period as extended pursuant to this paragraph or by the Zoning Commission.
4. An Interim Planning Overlay District itself may be divided into subdistricts.
5. Deleted on March 16, 1989.
6. An Interim Planning Overlay District may employ an Interim Planning Permit procedure to govern any or all areas of the Interim Planning Overlay District. The Interim Planning Permit system is described in Section 27-3.

(↑As amended on September 23, 1987, March 16 and September 13, 1989)

SECTION 27-3. Interim Planning Procedure. An application for an Interim Planning Permit must be filed in quadruplicate with the Inspectional Services Department, which will retain one copy and transmit the other copies within seven days as follows: one to the Board of Appeal, one to the Boston Redevelopment Authority, and one to the Zoning Commission. Within ninety days of the receipt of such transmittal, the Boston Redevelopment Authority shall file with the Board of Appeal a report with recommendations together with materials, maps or plans to aid the Board of Appeal in judging the application. The Board of Appeal shall not hold a hearing or render any decision on an application for such Permit until such report with recommendations has been received and considered; provided that if no such report is received within ninety days, the Board of Appeal may hold a hearing and render a decision without such report.

The Board of Appeal shall grant such application only if it finds that the proposed action described in the application would not be incompatible with the goals of the comprehensive planning study and contemplated rezoning.

SECTION 27-4. Petition for Interim Overlay District. The Boston Redevelopment Authority may petition the Zoning Commission for the designation of an Interim Planning Overlay District. Such petition must:

1. Define the physical boundaries of the Interim Planning Overlay District.
2. Describe the characteristics of the area that suggest the existing underlying zoning may not be appropriate.
3. Specify a detailed timetable with specified deadlines for conducting and completing the comprehensive planning study, and for drafting and petitioning for any rezoning of the area.
4. Specify a specific date, not to exceed two years from the effective date of an amendment establishing such district, for dissolution of the Interim Planning Overlay District.
5. State regulations to control land use in the area during the specified time period including but not limited to the following:
 - a. regulations which suspend the underlying existing zoning;
 - b. regulations governing the Interim Planning Permit, if any.
6. State explicitly which land uses and activities are subject to the provisions of the Interim Planning Overlay District, and which land uses and activities, if any, are left to be governed by the underlying existing zoning.

SECTION 27-5. **Severability Clause.** The provisions of this regulation are severable, and if any such provision or provisions shall be held invalid or unconstitutional by any decision of any court of competent jurisdiction, such decision shall not impair or otherwise affect any other provision of this regulation.

↓ARTICLE 27A
PORT NORFOLK INTERIM PLANNING OVERLAY DISTRICT

(↓Inserted on September 3, 1985. Superseded on June 11, 1988.)

↓ARTICLE 27B
BOYLSTON STREET INTERIM PLANNING OVERLAY DISTRICT

(↓Inserted on April 3, 1986; amended on May 23, 1986. Expired on April 2, 1987.)

↓ARTICLE 27C
HARBORPARK INTERIM PLANNING OVERLAY DISTRICT

(↓Inserted on March 16, 1987. Expired on December 17, 1990.)

↓ARTICLE 27D
DOWNTOWN INTERIM PLANNING OVERLAY DISTRICT

(↓Inserted on September 25, 1987, extended on September 17, 1990,
April 22, 1991, May 20, 1992, May 17, 1993, April 8, 1994,
March 27, 1996, and July 31, 1997*)

*Text Amendment No. 241 and Map Amendment No. 335 extend until March 24, 1998 the period of time that Article 27D, governing the Downtown Interim Planning Overlay District, remains in effect. This extension affects the remaining area of the overlay district. The remaining area excludes from the original area of the district, as established by Text Amendment No. 98 and Map Amendment No. 211, the areas of the following subsequently adopted districts: Midtown Cultural District, North Station Economic Development Area, South Station Economic Development Area, Huntington Avenue/Prudential Center District, Chinatown District, Leather District, Government Center/Markets District, Bulfinch Triangle District, and Cambridge Street North District, as the areas of those districts are shown on Maps 1A, 1B, 1C, 1D, 1G, 1H, 1J, and 1K of the series of maps entitled "Zoning Districts City of Boston," as established under Chapter 665 of the acts of 1956 as amended. Text and map amendments adopting further extensions to Article 27D, if any, may be obtained from the Secretary to the Zoning Commission.

↓ARTICLE 27E
ROXBURY INTERIM PLANNING OVERLAY DISTRICT

(↓Inserted on August 18, 1987. Superseded on December 18, 1990.)

↓ARTICLE 27F

ALLSTON-BRIGHTON INTERIM PLANNING OVERLAY DISTRICT

(↓Inserted on August 18, 1987. Superseded on October 26, 1991.)

↓ARTICLE 27G

EAST BOSTON INTERIM PLANNING OVERLAY DISTRICT

(↓Inserted on June 6, 1988. Superseded on December 24, 1992.)

↓ARTICLE 27H

DORCHESTER AVENUE INTERIM PLANNING OVERLAY DISTRICT

(↓Inserted on October 12, 1988. Expired on January 31, 1992.)

↓ARTICLE 27J

JAMAICA PLAIN INTERIM PLANNING OVERLAY DISTRICT

(↓Inserted on April 24, 1989. Superseded on June 30, 1993.)

↓ARTICLE 27K

WEST ROXBURY INTERIM PLANNING OVERLAY DISTRICT

(↓Inserted on December 5, 1989. Superseded on June 29, 1994.)

↓ARTICLE 27L

SAINT VINCENT NEIGHBORHOOD INTERIM PLANNING OVERLAY DISTRICT

(↓Inserted on August 12, 1991. Superseded on December 29, 1994.)

↓ARTICLE 27M

MISSION HILL INTERIM PLANNING OVERLAY DISTRICT

(↓Inserted on May 17, 1993. Superseded on March 25, 1996.)

↓ARTICLE 27N

SOUTH BOSTON BUFFER ZONE INTERIM PLANNING OVERLAY DISTRICT

(↓Inserted on December 6, 1997.)

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↓ARTICLE 27D

DOWNTOWN INTERIM PLANNING OVERLAY DISTRICT

(↓Article inserted on September 25, 1987 and extended on September 17, 1990, April 22, 1991, May 20, 1992, May 17, 1993, April 8, 1994, April 14, 1995, March 27, 1996, and July 31, 1997.*)

SECTION 27D-1. Statement of Purpose. The purposes of this article are to channel new development toward underutilized sites; to encourage new development in areas accessible to public transit; to provide a predictable, clear, and understandable process for the public review of new development; to foster an economy that promotes opportunity for Bostonians by creating new jobs and by expanding job training opportunities; to protect existing residential development and encourage new residential development that is affordable to all segments of the community; to protect the city's historic resources; to protect and enhance the architectural character of the downtown; to improve traffic access and circulation; to create active pedestrian and street life; to protect and improve air and water quality; to encourage mixed-use development; to provide for appropriate transitions in scale and character between established districts and new development; and to implement interim land use measures.

SECTION 27D-2. Declaration of Need for Interim Zoning. Interim zoning in the Downtown IPOD Study Area is necessary to provide the proper balance between competing land uses and economic and environmental factors. Characteristics of existing zoning that render it inappropriate include its failure to provide: height and floor area ratio standards that encourage the preservation of historic structures and maintain the character of the district; incentives for development in underutilized areas that are suitable for new development; a balance between new development and the need for light, air, and open space; the creation or rehabilitation of housing that is affordable to all segments of the community; the creation or expansion of employment opportunities for Bostonians; development that results in appropriate and necessary neighborhood benefits for Boston residents; a mix of uses that ensures efficient use of

*Article 27D extended until March 24, 1998 by Text Amendment No. 241 and Map Amendment No. 335. This extension affects the remaining area of the Downtown Interim Planning Overlay District. The remaining area excludes from the original area of the district the areas of the following subsequently adopted districts: Midtown Cultural District, North Station Economic Development Area, South Station Economic Development Area, Huntington Avenue/Prudential Center District, Chinatown District, Leather District, Government Center/Markets District, Bulfinch Triangle District, and Cambridge Street North District, as the areas of those districts are shown on Maps 1A, 1B, 1C, 1D, 1G, 1H, 1J, and 1K of the series of maps entitled "Zoning Districts City of Boston," as established under Chapter 665 of the Acts of 1956 as amended.

Text and map amendments adopting further extensions to Article 27D, if any, may be obtained from the Secretary to the Zoning Commission.

scarce urban land; the maintenance, expansion, and enhancement of open space uses; and the improvement of pedestrian and vehicular circulation and access.

SECTION 27D-3. Definitions. For the purposes of this article only, the following words and phrases, when capitalized, shall have the meanings indicated.

1. "Applicant" shall mean any person or entity having a legal or equitable interest in a Proposed Project subject to the provisions of this article, as set forth in Section 27D-5, or the authorized agent of any such person or entity.
2. "Commercial Uses" shall mean Use Item Numbers 15, 39, 39A, 40, 41, and 42, as described in Table A, Section 8-7.
3. "Downtown IPOD" shall mean the regulations imposed by this article.
4. "Downtown IPOD Study Area" shall mean the area defined in Section 27D-4.
5. "Neighborhood Service Uses" shall mean Use Item Numbers 34, 35, 36, 37, 38, 39, 39A, 40, 41 (except office buildings), 43, 44, 46, and 47, as described in Table A, Section 8-7.
6. "Proposed Project" shall mean the erection or extension of any structure or part thereof, or the change of use of any structure or land, for which the Applicant is required to obtain a building or use permit.
7. "Research, Development, and Institutional Uses" shall mean Use Item Numbers 16, 16A, 18, 22, 22A, 23, 24, 25, 48, and 49, as described in Table A, Section 8-7.
8. "Residential Uses" shall mean Use Items Numbers 1, 2, 3, 4, 5, 6, 7, 7A, 7B, 8, and 10, as described in Table A of Section 8-7.
9. "Retail Uses" shall mean Use Item Numbers 17, 34, 35, 36A, 37, 37A, 38, 43, 44, and 46, as described in Table A, Section 8-7.
10. "Underlying Zoning" shall mean all zoning regulations, with the exception of this article, which are contained in this code.
11. "Zoning Relief" shall mean any zoning variance, exception, conditional use permit, or zoning map or text change, or any other relief granted by the Zoning Commission or the Board of Appeal.

SECTION 27D-4. Physical Boundaries; Establishment of Subdistrict Goals and Objectives. The provisions of this article shall be applicable only in the Downtown IPOD Study Area, which shall be comprised of the seventeen (17) subdistricts and the balance of the area depicted in Appendix A and described in Appendix B.

1. Priority Preservation Subdistricts. Subdistricts A, B, C, D, E, F, and G, depicted in Appendix A and described in Appendix B, shall be Priority Preservation Subdistricts. Within these subdistricts, the present uses, architectural scale, and historic character of the area shall be preserved. New development shall emphasize the conservation, rehabilitation, and restoration of existing structures.
2. Restricted Growth Subdistricts. Subdistricts H and I, depicted in Appendix A and described in Appendix B, shall be Restricted Growth Subdistricts. Within these subdistricts, the historic identity and architectural character of each area is well-established, and little potential exists for major new construction. Since many buildings in these subdistricts are in transition from manufacturing or warehousing to retail, office, and residential uses, future development shall largely be characterized by rehabilitation, conversion, and reuse of existing space.
3. Medium Growth Subdistricts. Subdistricts J, K, L, and M, depicted in Appendix A and described in Appendix B, shall be Medium Growth Subdistricts. These subdistricts are fully developed to an appropriate scale, but contain specific sites with access to transportation and other services which can accommodate new development without a significantly adverse impact on light, wind, established scale, and existing character.
4. Economic Development Area Subdistricts. Subdistricts N and O, depicted in Appendix A and described in Appendix B, shall be Economic Development Area Subdistricts. These subdistricts are characterized by the presence of underutilized and developable land. New development may occur in these areas without threatening historically or architecturally important buildings, districts, open space, or infrastructure capacity. (Also see Section 27D-11.)
5. Open Space Subdistricts. Subdistricts P and Q, depicted in Appendix A and described in Appendix B, shall be Open Space Subdistricts. These subdistricts constitute open space in public ownership dedicated to recreational use or to the conservation of natural resources.

SECTION 27D-5. Applicability. Any Proposed Project within the Downtown IPOD Study Area to (a) erect a building or structure having a gross floor area of not less than fifty thousand (50,000) square feet; (b) enlarge or extend a building or

structure so as to increase its gross floor area by not less than fifty thousand (50,000) square feet; (c) establish or change the use of a gross floor area of not less than fifty thousand (50,000) square feet; or (d) exceed the "As-of-Right Height/FAR" standards listed in Table A of Section 27D-7 for the subdistrict in which the Proposed Project is located, shall be subject to the provisions of this article. The following Proposed Projects, however, shall be exempt from the provisions of this article:

1. Any Proposed Project for which application to the Inspectional Services Department for a building or use permit has been made prior to the first notice of hearing before the Zoning Commission for adoption of this article and for which no Zoning Relief is required.
2. Any Proposed Project for which appeal to the Board of Appeal for any Zoning Relief has been made prior to the first notice of hearing before the Zoning Commission for adoption of this article, provided that such Zoning Relief has been or is hereafter granted by the Board of Appeal pursuant to such appeal.
3. Any Proposed Project or site for which application for approval of a development impact project plan, planned development area development plan, or planned development area master plan has been submitted to the Boston Redevelopment Authority prior to the first notice of hearing before the Zoning Commission for adoption of this article, provided that such development impact project plan, planned development area development plan, or planned development area master plan has been or is hereafter approved by the Boston Redevelopment Authority pursuant to such application, whether or not such application or such development impact project plan, planned development area development plan, or planned development area master plan is thereafter modified or amended.

SECTION 27D-6. Zoning Regulations in Effect; Conflict Provisions. The Downtown IPOD and Underlying Zoning shall together constitute the zoning regulations for the Downtown IPOD Study Area. Where conflicts between the Downtown IPOD and the Underlying Zoning exist, the provisions of paragraphs one and two of this section shall govern. Upon expiration of this article, the Underlying Zoning shall be the sole set of zoning regulations for the Downtown IPOD Study Area.

1. In subdistricts A, B, C, D, E, F, G, H, K, L, M, P, and Q, the provisions of the Downtown IPOD shall supersede Underlying Zoning except with respect to building height and floor area ratio (FAR) standards, in which case the more restrictive provisions shall govern.
2. In subdistricts I, J, N, and O, the provisions of the Downtown IPOD shall supersede Underlying Zoning.

In all subdistricts, any duly enacted amendment to Underlying Zoning as to which notice of a public hearing before the Zoning Commission is published after the effective date of this article shall govern, notwithstanding any other provision of this article; any such amendment may occur prior to the expiration of this article and may relate to any subdistrict or to any Special Study Area for which a planning and rezoning study has been completed by the Boston Redevelopment Authority pursuant to Section 27D-18.

↑SECTION 27D-7. **Building Height and FAR Standards.** Any Proposed Project within Downtown IPOD Study Area subdistricts A, B, C, D, E, F, G, H, I, J, K, L, M, N, and O shall be governed by the building height and FAR standards established in Table A of this section.

1. Downtown IPOD As-of-Right Building Height and FAR. Any Proposed Project which has complied with the provisions of Underlying Zoning and this article shall be permitted to obtain building heights and FARs which correspond to the "Downtown IPOD As-of-Right" column in Table A of this section.
2. Enhanced Building Height and FAR. An Applicant may request the Board of Appeal to grant any Proposed Project in subdistricts H, I, J, K, L, M, N, and O the enhanced building heights and FARs which correspond with the "Enhanced" column in Table A, subject to the provisions of Section 27D-6. The Board of Appeal shall grant such enhanced building heights and FARs with respect to any Proposed Project in subdistricts H and I only if it finds that: (a) the height and massing of the Proposed Project is consistent with that of structures in the surrounding subdistrict; (b) the Proposed Project is architecturally compatible with the surrounding subdistrict, in accordance with the Urban Design Component of Large Project Review; (c) the Proposed Project is not a rooftop addition, visible from a public way, to an Historic Building, as defined in Section 32-2(2); and (d) the public benefits of the Proposed Project outweigh any burdens imposed. The Board of Appeal shall grant such enhanced building heights and FARs with respect to any Proposed Project in subdistricts J, K, L, and M only if it finds that: (a) the height and massing of the Proposed Project is consistent with that of structures in the surrounding subdistrict; (b) the Proposed Project is architecturally compatible with the surrounding subdistrict, in accordance with the Urban Design Component of Large Project Review; and (c) the public benefits of the Proposed Project outweigh any burdens imposed. The Board of Appeal may grant such enhanced building heights and FARs with respect to any Proposed Project in subdistricts N and O only if it finds that: (a) the Proposed Project is consistent with the applicable planning objectives set forth in Sections 27D-4 and 27D-11, and complies with the Urban Design Component of Large Project Review; (b) the Applicant provides appropriate space within the Proposed Project which is adequate

to satisfy the projected demand of the Proposed Project's employees for a family care center or a child care center, such center to enroll people for care, instruction, or recreation during normal business hours; and (c) the public benefits of the Proposed Project outweigh any burdens imposed. The procedure for the granting of enhanced building height shall be in accordance with the provisions of Section 27-3, governing the grant of an interim planning permit; provided, if the Boston Redevelopment Authority has made a recommendation to the Board of Appeal on the grant of such enhanced building heights and FARs, the Board of Appeal shall follow such recommendation unless specific, written reasons for not doing so are incorporated in the Board of Appeal's decision.

3. Planned Development Areas. Any Proposed Project located in a Planned Development Area established pursuant to Section 3-1A and Section 27D-8 may be permitted to obtain the building heights specified in Section 27D-8, in accordance with the procedure for the granting of exceptions specified in Section 27D-8(5).

TABLE A

**Downtown Interim Planning Overlay District
Height and Floor Area Ratio Standards**

<u>Area</u>	<u>Downtown IPOD As-of-Right Height/FAR</u>	<u>Enhanced Height/FAR</u>
Priority Preservation Subdistricts		
• Subdistrict A	40'/2	N/A
• Subdistrict B	65'/3	N/A
• Subdistricts C, D, E, and G	65'/4	N/A
• Subdistrict F	65'/2	N/A
Restricted Growth Subdistricts		
• Subdistricts H and I	80'/6	100'/7
Medium Growth Subdistricts		
• Subdistricts J, K, L, and M	125'/8	155'/10
Economic Development Area Subdistricts		
• Subdistrict N	250'/12	400'/14
• Subdistrict O	300'/13	400'/15

NOTE: Where Underlying Zoning contains more restrictive height limits and FARS than Table A, Underlying Zoning shall govern, except in subdistricts I, J, N, and O (See Section 27D-6). Height and FARs in subdistricts P and Q shall be governed by Underlying Zoning.

(↑As amended on May 9, 1996.)

SECTION 27D-8. Planned Development Areas. Any application for a map change to establish a Planned Development Area (PDA) within the Downtown IPOD Study Area shall be subject to the provisions of this section in addition to those imposed in Article 3-1A; and no PDA shall be established within the Downtown IPOD Study Area except in conformity with the provisions of this section.

1. Location of Planned Development Areas. Within the Downtown IPOD Study Area, a Planned Development Area may be established only in any subdistrict or subdistricts, or part thereof, which is located entirely within that portion of the Financial District whose boundaries are depicted in Appendix C and described in Appendix D to this article.
2. Standards for Development Plan Approval. The Boston Redevelopment Authority shall approve a development plan for a Planned Development Area map change only if the Boston Redevelopment Authority finds that such development plan (a) proposes a use which is necessary to retain jobs in the city or to contribute otherwise to the economic health of the city; and (b) contains provisions satisfactory to the Boston Redevelopment Authority that at least thirty-three percent (33%) of the total gross floor area of the Proposed Project will be leased or used by entities identified in the development plan.
3. Boston Civic Design Commission Review. Any Proposed Project within a Planned Development Area subject to the provisions of this section shall be subject to review by the Boston Civic Design Commission, in accordance with the provisions of Article 28.
4. Height Allowance. Any Proposed Project within a Planned Development Area subject to the provisions of this section may be permitted to exceed the building height standards established for the applicable subdistrict in Table A, Section 27D-7, to a maximum building height of four hundred feet (400'), in accordance with the provisions of Section 27D-8(5).
5. Authorization for Exceptions. Any Proposed Project within a Planned Development Area subject to the provisions of this section shall be subject to all provisions applicable to the subdistrict in which the Planned Development Area is located, unless an exception to such provisions has been granted pursuant to Article 6A; provided, no such exception shall

permit a building height for a Proposed Project within a Planned Development Area subject to the provisions of this section to exceed four hundred feet (400').

SECTION 27D-9. Housing Priority Area. The provisions of this section shall be applicable only in the Housing Priority Area, which shall be divided into the three (3) subdistricts depicted in Appendix E and described in Appendix F; provided, the provisions of this section shall not apply to Proposed Projects consisting solely of Neighborhood Service Uses, as defined in Section 27D-3.

1. Leather District Housing Priority Area. Subdistrict 1, depicted in Appendix E and described in Appendix F, shall be the Leather District Housing Priority Area. Within this area, a minimum of twenty-five percent (25%) of the gross floor area of any Proposed Project of more than 10,000 square feet for exterior construction or exterior alteration or change of use, notwithstanding the minimum square foot specified in Section 27D-5, shall consist of Residential Uses, as defined in Section 27D-3.
2. Chinatown Business District Housing Priority Area. Subdistrict 2, depicted in Appendix E and described in Appendix F, shall be the Chinatown Business District Housing Priority Area. Within this area, a minimum of fifty percent (50%) of the gross floor area of any Proposed Project for exterior construction or exterior alteration or change of use, notwithstanding the minimum square footage specified in Section 27D-5, shall consist of Residential Uses, as defined in Section 27D-3.
3. Chinatown-Bay Village Housing Priority Area. Subdistrict 3, depicted in Appendix E and described in Appendix F, shall be the Chinatown-Bay Village Housing Priority Area. Within this area, a minimum of seventy-five percent (75%) of the gross floor area of any Proposed Project for exterior construction or exterior alteration or change of use, notwithstanding the minimum square footage specified in Section 27D-5, shall consist of Residential Uses, as defined in Section 27D-3; provided, a minimum of fifty percent (50%) of the gross floor area of any Proposed Project which includes exterior construction or exterior alteration or change of use over the Massachusetts Turnpike or the Amtrak/Massachusetts Bay Transportation Authority commuter rail right-of-way, notwithstanding the minimum square footage specified in Section 27D-5, shall consist of Residential Uses, as defined in Section 27D-3.
4. Off-Site Alternative. An Applicant for any Proposed Project subject to the provisions of this section within a Housing Priority Area, notwithstanding the minimum square footage specified in Section 27D-5, may fulfill its obligations under this section by constructing or rehabilitating a building or structure within: (a) the same Housing Priority Area as the Proposed

Project; or (b) any Housing Priority Area within the Downtown IPOD Study Area, if the Board of Appeal finds that constructing or rehabilitating a building or structure within the same Housing Priority Area is not economically feasible. The cumulative gross floor area devoted to Residential Uses in such off-site building or structure and the Proposed Project shall be at least equal to the minimum gross floor area which is required to be devoted to Residential Uses of Proposed Projects located within the same Housing Priority Area.

SECTION 27D-10. Residential Uses Allowed in Industrial Zones. Residential uses which are allowed or permitted conditionally by the Underlying Zoning in districts labeled "R" (Residential: General) or "H" (Residential: Apartment), as provided in Table A, Section 8-7, shall be allowed uses in Underlying Zoning districts "M" (Industrial: Restricted) and "I" (Industrial: General), regardless of the gross floor area of a Proposed Project, notwithstanding the minimum gross floor area specified in Section 27D-5.

SECTION 27D-11. Economic Development Area Subdistricts; Purposes. The purposes of Economic Development Area Subdistricts are: to achieve orderly redevelopment; to channel mixed-use development toward underutilized sites; to provide development opportunities at lower land costs; to utilize existing transit centers; to improve traffic access and circulation; to expand the financial district; and to create an active pedestrian and street life.

1. Subdistrict N: North Station. The planning objectives in the North Station Economic Development Area Subdistrict shall be to create a functionally and architecturally unified subdistrict which is compatible with the historic character of the North End and Bulfinch Triangle; to create a gateway to the city by rail and highway from the north; to create a mixed-use subdistrict which includes office and retail space and mixed-income housing; to create new recreational space along the Charles River edge; and to create vistas and access to the Charles River.
2. Subdistrict O: South Station/Bedford-Essex. The planning objectives for the South Station/Bedford-Essex Economic Development Area Subdistrict shall be to channel growth away from congested areas; to encourage a mix of office, retail, hotel, and residential uses; to create a transition of uses and character between the downtown and the Chinatown and Leather districts; to improve vehicular access to the city by establishing parking facilities near major commuter arteries; and to restore the pedestrian environment.

SECTION 27D-12. Economic Development Area Subdistricts; Allowed Uses. Commercial Uses, Retail Uses, Residential Uses, and Research, Development, and Institutional Uses, as these terms are defined in Section 27D-2, shall be allowed

uses in Economic Development Area Subdistricts, regardless of the gross floor area of a Proposed Project, notwithstanding the minimum gross floor area specified in Section 27D-5. Section 3-1A (Restricted and Limited Parking Districts) of the Underlying Zoning shall not be applicable in Economic Development Area Subdistricts.

SECTION 27D-13. Economic Development Area Subdistricts; Authorization for Exceptions. Any Proposed Project within an Economic Development Area Subdistrict subject to the provisions of this article shall be subject to all provisions of this code applicable to the subdistricts in which the Proposed Project is located unless an exception to such provisions has been granted pursuant to Article 6A; provided, the Board of Appeal shall not grant any exception to the provisions of Section 27D-7 governing building heights and FARs.

SECTION 27D-14. Standards for Issuance of Interim Planning Permit. The Board of Appeal shall not grant an interim planning permit as defined in Section 27-3 unless it finds that (a) the Proposed Project's benefits outweigh any burdens imposed; and (b) the Proposed Project is in substantial accord with the applicable provisions of this article. If the Boston Redevelopment Authority has made a recommendation to the Board of Appeal on the issuance of an interim planning permit, the Board of Appeal shall follow such recommendation unless specific, written reasons for not doing so are incorporated in the Board of Appeal's decision.

SECTION 27D-15. Enforcement. The Commissioner of Inspectional Services shall not issue any building permit or use permit for a Proposed Project subject to the provisions of Section 27D-5 unless the Board of Appeal has approved an interim planning permit for the Proposed Project in accordance with Section 27-3.

SECTION 27D-16. Sunset Provisions; Subsequent Amendments. This article shall be in effect for twenty-four (24) months. While in effect, this article or portions of this article may be repealed or superseded by subsequent amendments to this article, or by amendments to the Underlying Zoning as to which notice of a public hearing before the Zoning Commission is published after the effective date of this article.

SECTION 27D-17. Timetable for Rezoning. Submission of proposed zoning changes by the Boston Redevelopment Authority to the Zoning Commission shall be completed within twenty (20) months of the enactment of the Downtown IPOD, and the Zoning Commission hearing on any petition to adopt proposed zoning changes shall be completed within twenty-four (24) months of the enactment of the Downtown IPOD; provided, failure of the Boston Redevelopment Authority to submit proposed zoning to the Zoning Commission within twenty (20) months, or failure of the Zoning Commission to conduct a hearing on such zoning within twenty-four (24) months, shall not invalidate any provision of the Downtown IPOD or Underlying Zoning.

SECTION 27D-18. Special Study Areas. Within the Downtown IPOD Study Area, eleven (11) Special Study Areas shall be established. Planning and rezoning for each Special Study Area shall proceed on a community-based, district-by-district basis, in consort with the Boston Civic Design Commission. This process shall produce a set of comprehensive planning policies, development controls, and design guidelines specifically tailored to the unique character of each Special Study Area. The Special Study Areas are depicted in Appendix G and described in Appendix H and are hereby established as follows:

1. Huntington Avenue/Prudential Center. The section of Huntington Avenue between Copley Square and Symphony Hall forms the transitional boundary between the historic St. Botolph Street and South End areas and the large scale Prudential Center. Built in the 1960s over underutilized rail yards and the Massachusetts Turnpike, the Prudential Center needs to be better integrated with adjacent districts. Planning and rezoning in this area shall promote development which emphasizes the sense of human scale through familiar block and building sizes and shapes, modulated and detailed facades and storefronts, and articulated entryways. Planning and rezoning shall also promote a mixed-use economy, including office, retail, commercial, and residential uses to increase pedestrian activity along the street.
2. Midtown/Cultural District. The Midtown/Cultural District includes those blocks that wrap around the southern edge of the Common and the Public Garden, the traditional theater district, and the Washington Street retail area. Planning and rezoning initiatives shall provide for preservation of historic buildings, continued theater use in existing performance facilities, reuse of vacant theaters, and the establishment of smaller, more flexible performing arts spaces and visual arts exhibition spaces which enhance the area's unique character. Focused around Washington, Tremont, and Boylston Streets, pedestrian ways shall be created from existing minor streets, lanes, and alleys, and new through-block connections. The cornice lines shall be inconsistent with the traditional range of building heights in the surrounding area. Planning and rezoning initiatives shall promote a mix of uses which add cultural and street level activities, including but not limited to additional office, commercial, residential and retail uses. Public open space and streetscape improvements shall encourage the showcasing of cultural activities. Storefronts along pedestrian ways shall be visually permeable. Facades, storefronts, and entryways shall be modulated, articulated, and scaled for use by pedestrians.
3. Financial District. As the center of trade, State Street and its gradual expansion into the Financial District has housed Boston's major office and exchange building. After the great fire of 1872, a major section of the area was rebuilt with Victorian "Commercial Palaces." In the 1960s the

development of giant office towers formed the core of Boston's service-based economy. Planning and rezoning initiatives shall require that buildings substantially over 155 feet tall be located only on carefully targeted sites consistent with planning for access, density, distribution, and district design. The building footprint or facade line shall parallel the property line or street line wherever possible. Any building element which significantly exceeds the adjacent cornice lines shall be consistent with the rhythm and proportion of the base element facade and shall be set back from the building base so as to reduce its visibility from the street, and reduce the negative environmental effect from wind and shadow effects. The building shall respect the historic context and be sympathetic to the historic scale of the Special Study Area. Commercial, retail, and residential uses which increase street-level activity, in addition to office uses, shall be promoted.

4. Government Center/Markets. In 1961, the sixty-acre Scollay Square area was targeted for urban renewal and cleared. The new pattern of free-standing government buildings and plazas typifies the grand master plan of the era. The Blackstone Block, with its colonial-era lanes, once overlooked the Town Cove upon which Quincy Market was built in the 1820s. Planning and rezoning efforts shall focus on the preservation and protection of all properties and groups of buildings which are Historic Buildings or within Historic Districts, as provided in Article 32, and the promotion of a mix of office, commercial, retail, and residential uses.
5. North Station. North Station was built with the Boston Garden in the late 1920s. Urban renewal of the adjacent West End and Government Center areas in the 1960s had little impact on the North Station area. Major redevelopment projects are currently proposed for this major transportation node, including an improved arena and development of the vast area of former railyards extending to the Charles River. To take advantage of this proximity to the river and the Esplanade, the design of public open and interior spaces and pedestrian ways shall be an integral part of project design. Such public open spaces may include ground floor retail uses and public indoor and outdoor spaces in porticoes, lobbies, atriums, sitting areas, courtyards, rooftop observatories, or through-block connections. Building scale and massing shall reinforce the existing scale and character of the adjacent North End and Bulfinch Triangle neighborhoods. Planning and rezoning shall proceed in accordance with the Economic Development Area Subdistrict goals and objectives provided for in Section 27D-11(1).
6. Cambridge Street. Cambridge Street forms the commercial seam between historic Beacon Hill and the West End Urban Renewal area. A subway station at each end joins Government Center with the Esplanade. The street has considerable development potential but little identity, due to a

number of underutilized sites and pronounced inconsistencies along its street walls. Planning and rezoning initiatives shall provide for land uses for Cambridge Street to become an appropriate transitional street between Beacon Hill and the West End, including mixed-use development. New street walls shall have a consistent setback from the street curbline and, where possible, the street wall line shall be recreated to the scale of the facades on the Beacon Hill side of Cambridge Street, and in designated open spaces through the use of landscape treatment, thus defining a pedestrian-scaled streetscape.

7. Chinatown. Chinatown is one of several small residential districts that make up the southern side of the downtown core. To protect Chinatown from the impact of speculation and displacement, planning and rezoning initiatives shall promote the expansion of its present boundaries, in order to accommodate the critical need for additional residential, commercial, and industrial space. Building massing shall reinforce the existing scale and character of the surrounding buildings with respect to height, width, shape, setback, and horizontal and vertical features.
8. Bulfinch Triangle. The Bulfinch Triangle was the regional center of the furniture trade housed in the Victorian brick factories and warehouses, which remain as a cohesive district. The district's distinctive triangular street pattern is reinforced by many similarly massed buildings that emphasize corner features, especially along Merrimac Street. In recent years, a number of these handsome masonry structures have been renovated into office space. Planning and rezoning for the area shall promote a mix of land uses, including office, commercial, retail, and residential uses, and development which reinforces the traditional pattern of blocks and street walls. The majority of a new building's exterior wall shall be set along the sidewalk consistent with the adjacent buildings in order to retain the street's continuity.
9. The Leather District. The Leather District is an eight-block area in the downtown separated from Chinatown by the Central Artery. The buildings are generally four to six stories high, and were built of brick and heavy timber construction in the late 19th Century. Artists have recently renovated the area's numerous loft spaces, but the proximity of the area to the heart of the Financial District has piqued the interest of office developers, and demolition and conversion of buildings has occurred. The planning and rezoning goals for this area shall be preservation of its historic character and promotion of its mixed-use nature. Building materials and colors used in facades shall be compatible with the materials used in neighboring structures. Traditional materials such as brick, granite, marble, and limestone shall be used for the facade.

10. South Station. The crescent-shaped area around South Station includes a number of major development sites and a major transportation terminal project presently under construction. Excellent transportation access provides the area with the potential for more intensive commercial and parking development than would be appropriate elsewhere in the downtown. Building design shall minimize adverse effects upon the adjacent Chinatown and Leather District Special Study Areas. Building tops shall be shaped with attention to their view against the sky, with all mechanical and rooftop equipment integrated into the overall form. Building massing shall reinforce the existing scale and character of the adjacent Leather District Special Study Area. Planning and rezoning shall proceed in accordance with the Economic Development Area Subdistrict goals and objectives provided for in Section 27D-11(2).
11. Central Artery. The Central Artery, with its closely spaced on and off ramps, was built in the early 1950s to provide local access to and from the Financial District. Over the past 30 years, the Artery has become part of an expanded regional highway system, and is now the most significant bottleneck in the entire network. In order to increase vehicle-carrying capacity, eliminate congestion, and improve safety, construction is expected to begin in 1989 to widen and depress the Artery. This construction includes the building of a Third Harbor Tunnel to Logan Airport and a Seaport Access Road to the northern industrial area of South Boston. The depression of the Artery from Congress to Causeway Street represents an extraordinary opportunity to eliminate a major physical barrier through the downtown and to weave the city together once again. Planning and rezoning initiatives shall provide for replacement parking in the segments passing through the Financial District and Bulfinch Triangle Special Study Areas, affordable low-rise housing adjacent to the North End, the preservation of significant views from the downtown to the waterfront, and new parks and open space along the eastern edge of the Government Center-Market area. The design and development guidelines formulated for this Special Study Area will be strongly influenced by the specific character of each of the Special Study Areas through which the Artery passes.

SECTION 27D-19. **Regulations.** The Boston Redevelopment Authority may promulgate regulations to administer this article; provided, such regulations shall become effective only upon adoption by the Zoning Commission.

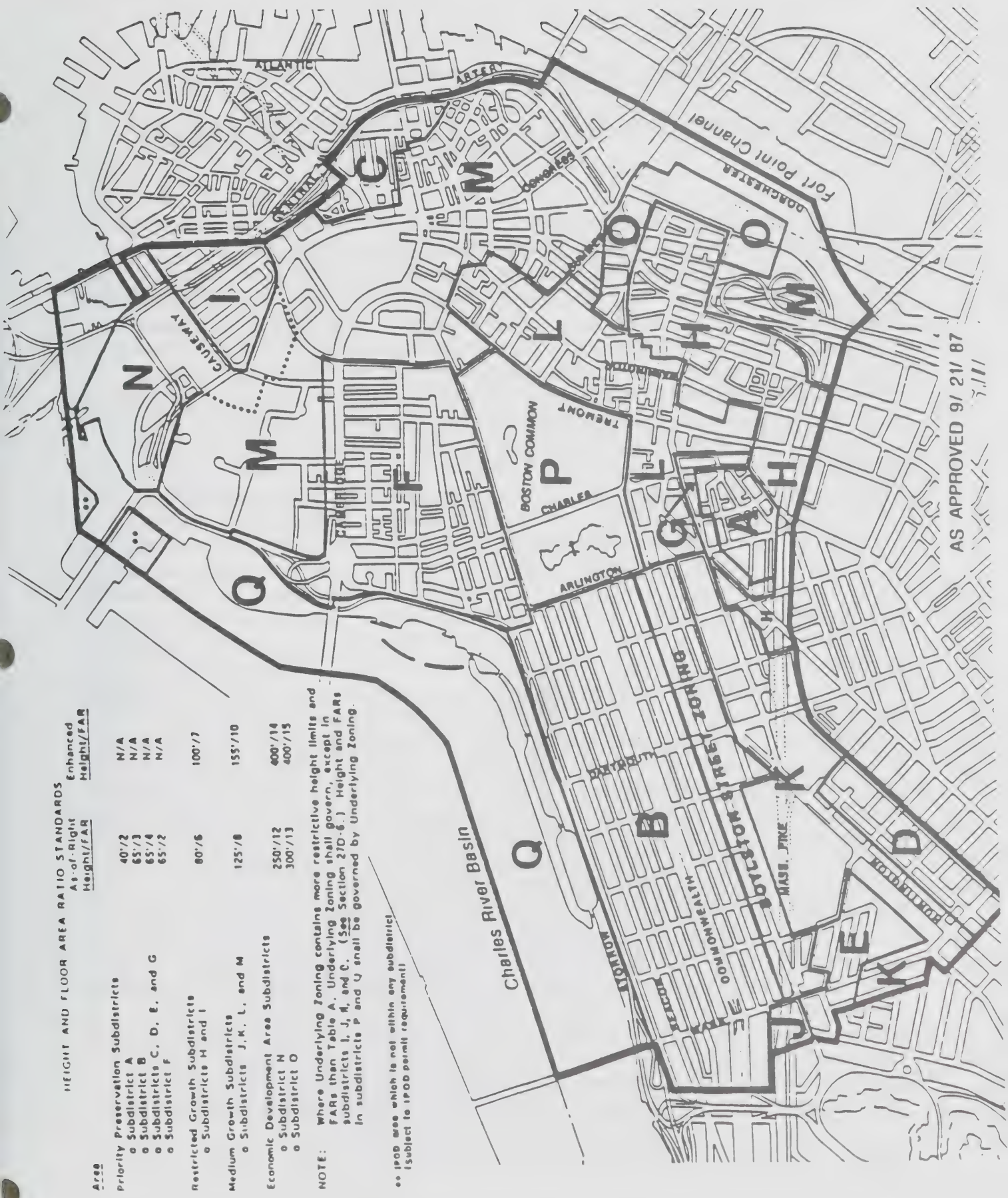
SECTION 27D-20. **Severability.** The provisions of this article are severable, and if any such provision or provisions shall be held invalid by any decision of any court of competent jurisdiction, such decisions shall not impair or otherwise affect any other provisions of this article.

HEIGHT AND FLOOR AREA RATIO STANDARDS

Area	As-of-Right Height/FAR	Enhanced Height/FAR
Priority Preservation Subdistricts		
o Subdistrict A	40'/2	N/A
o Subdistrict B	65'/3	N/A
o Subdistricts C, D, E, and G	65'/4	N/A
o Subdistrict F	65'/2	N/A
Restricted Growth Subdistricts		
o Subdistricts H and I	80'/6	100'/7
Medium Growth Subdistricts		
o Subdistricts J, K, L, and M	125'/8	155'/10
Economic Development Area Subdistricts		
o Subdistrict N	250'/12	400'/14
o Subdistrict O	300'/13	400'/15

NOTE: Where Underlying Zoning contains more restrictive height limits and FARs than Table A, Underlying Zoning shall govern, except in subdistricts I, J, K, and C. (See Section 27D-6.) Height and FARs in subdistricts P and Q shall be governed by Underlying Zoning.

oo 190D area which is not within any subdistrict (Subject to 190D permit requirement)



AS APPROVED 9/ 21/ 87

APPENDIX B TO ARTICLE 27D

DOWNTOWN INTERIM PLANNING OVERLAY DISTRICT AND SUBDISTRICTS

The Downtown Interim Planning Overlay District shall consist of the area bounded as follows: from the northwest corner of Charlesgate East and Storrow Memorial Drive easterly along the centerline of Storrow Memorial Drive until Massachusetts Avenue; northerly along the centerline of the Harvard Bridge until the City of Boston boundary line; easterly along the City of Boston boundary line until the Metropolitan District Commission dam; continuing easterly along the City of Boston boundary line along a straight line until the centerpoint of the North Washington Street Bridge; southerly along the centerline of the North Washington Street Bridge until the south seawall; westerly along the seawall for approximately 580 feet; south approximately 80 feet to the line of the existing exterior building wall; east along said line to the centerline of the North Washington Street Bridge; southerly along the centerline of the North Washington Street Bridge and North Washington Street until Blackstone Street; southeasterly along the centerline of Blackstone Street until North Street; easterly along the centerline of North Street until the Fitzgerald Expressway; southerly along the centerline of the Fitzgerald Expressway until the intersection of Atlantic Avenue and Northern Avenue; southeasterly along the centerline of Northern Avenue until the western pierhead and bulkhead line of Fort Point Channel; southwesterly along the western pierhead and bulkhead line of Fort Point Channel and the South Bay until the Broadway Bridge; northwesterly along the centerline of the Broadway Bridge until the centerline of Herald Street; northwesterly along the centerline of Herald Street until the intersection of Herald Street and Tremont Street; westerly along the southern boundary of the railroad right-of-way until the centerline of Columbus Avenue; westerly along the southern boundary of the railroad right-of-way and along the southern boundary of Back Bay Station until Dartmouth Street; northerly along the centerline of Dartmouth Street for a distance of 25 feet; southwesterly along the southern lot line of Copley Place and along the MBTA/Amtrak right-of-way; southwesterly along the centerline of the MBTA/Amtrak right-of-way until a point 100 feet west of Massachusetts Avenue; northwesterly along a parallel route 100 feet west of Massachusetts Avenue until St. Stephen Street; northeasterly along the centerline of St. Stephen Street until Massachusetts Avenue; westerly along the centerline of Westland Avenue until Edgerly Road; northerly along the centerline of Edgerly Road until Haviland Street; westerly along the centerline of Haviland Street until Hemenway Street; northerly along the centerline of Hemenway Street and across Boylston Street to Ipswich Street; northerly in a straight line along the eastern side of Ipswich Street and an extension thereof across the Massachusetts Turnpike Extension to Newbury Street; northwesterly along the centerline of Newbury Street until Charlesgate East; and northeasterly along the centerline of Charlesgate East until Storrow Memorial

APPENDIX B TO ARTICLE 27D (continued)

Drive; provided that, the following area shall be excluded from the Downtown Interim Planning Overlay District:

From the northwesterly corner of St. James Avenue and Arlington Street, northerly along the centerline of Arlington Street to Public Alley No. 438; westerly along Public Alley No. 438 and an extension thereof through the property between Clarendon and Berkeley Streets to Public Alley No. 439; westerly along Public Alley Nos. 439, 440, 441, 442, 443, and 444 to Massachusetts Avenue; southerly along the centerline of Massachusetts Avenue to Belvidere Street; southeasterly along the centerline of Belvidere Street to St. Cecilia Street; northeasterly along the centerline of St. Cecilia Street to Scotia Street; southeasterly along the centerline of Scotia Street to the centerline of Dalton Street; northerly along Dalton Street to a point and along a parallel route 120 feet south of the southerly sideline of Boylston Street to Exeter Street; southerly along Exeter Street to Huntington Avenue, northeasterly along the centerline of Huntington Avenue to St. James Avenue; and easterly along St. James Avenue to Arlington Street.

The Downtown Interim Planning Overlay District shall have seventeen (17) subdistricts labeled A through Q and bounded as follows:

Subdistrict A

Subdistrict A shall have the following boundaries: from the northwest corner of the intersection of Arlington Street and Piedmont Street easterly along the centerline of Piedmont Street until Church Street; northerly along the centerline of Church Street to Shawmut Street; easterly along the centerline of Shawmut Street and continuing along a straight line until Charles Street South; southerly along the centerline of Charles Street South until Tremont Street; southwest along the centerline of Tremont Street until the northern border of the Massachusetts Turnpike; westerly along the northern border of the Massachusetts Turnpike to a point 150 feet east of Berkeley Street; northerly along a parallel route 150 feet east of Berkeley Street until Isabella Street; easterly along the centerline of Isabella Street until the private alley that runs along a parallel route 100 feet south of Columbus Avenue; northeasterly along the center of the private alley that runs a parallel route 100 feet south of Columbus Avenue until the intersection of Arlington Street and Piedmont Street.

Subdistrict B

Subdistrict B shall have the following boundaries: from the northwest corner of Charlesgate East and Storrow Memorial Drive easterly along the centerline of Storrow Memorial Drive until the Arlington Street exit of Storrow Memorial Drive; southerly along the Arlington Street exit of Storrow Memorial Drive until the intersection of the

APPENDIX B TO ARTICLE 27D (continued)

Arlington Street exit of Storrow Memorial Drive and Beacon Street; easterly along Beacon Street until Arlington Street; southerly along the centerline of Arlington Street until Public Alley No. 438; westerly along the centerline of Public Alley No. 438 and an extension thereof through the property between Clarendon and Berkeley Streets to Public Alley No. 439; westerly along the centerline of Public Alley Nos. 439, 440, 441, 442, 443 and 444 to Massachusetts Avenue; northerly along the centerline of Massachusetts Avenue until Newbury Street; westerly along the centerline of Newbury Street until Charlesgate East; and northerly along the centerline of Charlesgate East along a straight line until Storrow Memorial Drive.

Subdistrict C

Subdistrict C shall have the following boundaries: from the northwest corner of Union Street and Hanover Street easterly along the centerline of Hanover Street until Blackstone Street; southeasterly along the centerline of Blackstone Street until North Street; northeasterly along the centerline of North Street until the Fitzgerald Expressway; southeasterly along the centerline of the Fitzgerald Expressway to India Street; northwesterly along the centerline of India Street to State Street; westerly along the centerline of State Street to Chatham Row; northerly along the centerline of Chatham Row to Chatham Street; westerly along the centerline of Chatham Street to the eastern lot line of 60 State Street; northerly along a straight line to the intersection of North Street and Union Street; and northerly along Union Street to Hanover Street.

Subdistrict D

Subdistrict D shall have the following boundaries: from the northeast corner of Public Alley No. 821 and Public Alley No. 820 northeasterly along a parallel route 100 feet north of St. Botolph Street along the centerline of Public Alleys No. 404, No. 403, No. 402 and No. 401 until Harcourt Street; southeasterly along the centerline of Harcourt Street until the MBTA/Amtrak right-of-way; southwesterly along the centerline of the MBTA/Amtrak right-of-way in a straight line to a point 100 feet west of Massachusetts Avenue; and northwesterly along a parallel route 100 feet west of Massachusetts Avenue along the centerline of Public Alleys No. 823 and No. 820 until the intersection of Public Alley No. 820 and Public Alley No. 821.

Subdistrict E

Subdistrict E has the following boundaries: from the northwest corner of St. Cecilia Street and Scotia Street southeasterly along the centerline of Scotia Street until Dalton Street; southerly along the centerline of Dalton Street until Belvidere Street; southeasterly along the centerline of Belvidere Street until the intersection of Ring Road and Belvidere Street; southwesterly along the private alley that is 275 feet north

APPENDIX B TO ARTICLE 27D (continued)

of the northern side of Huntington Avenue until a point that is 75 feet east of Massachusetts Avenue; northerly along a parallel route 75 feet east of Massachusetts Avenue until Clearway Street; northwesterly along the centerline of Clearway Street and continuing along a straight line until Edgerly Road; northerly along the centerline of Edgerly Road until Haviland Street; westerly along the centerline of Haviland Street until Hemenway Street; northerly along the centerline of Hemenway Street until Boylston Street; easterly along the centerline of Boylston Street until Massachusetts Avenue; southerly along the centerline of Massachusetts Avenue until Belvidere Street; southeasterly along the centerline of Belvidere Street until St. Cecilia Street; and northerly along the centerline of St. Cecilia Street until Scotia Street.

Subdistrict F

Subdistrict F shall have the following boundaries: from the intersection of the Arlington Street exit of Storrow Memorial Drive and Embankment Road northeasterly along the centerline of Embankment Road until the elevated MBTA railroad right-of-way; northerly along the MBTA right-of-way until the centerline of the westbound lane of Embankment Road; easterly along the centerline of said lane and the centerline of the westbound lane of Charles Street until the intersection of the extension of the centerline of Blossom Street; southerly along the extension of the centerline of Blossom Street until the intersection of Blossom Street and Charles Street; westerly along the centerline of the eastbound lane of Charles Street until a point 100 feet east of Cambridge Street; easterly along a parallel route 100 feet east of Cambridge Street until New Chardon Street; southerly along the centerline of New Chardon Street until Bowdoin Street; southerly along the centerline of Bowdoin Street until Beacon Street; westerly along the centerline of Beacon Street until the Arlington Street exit of Storrow Memorial Drive; northerly along the centerline of the Arlington Street exit of Storrow Memorial Drive until the intersection of the Arlington Street exit of Storrow Memorial drive and Embankment Road.

Subdistrict G

Subdistrict G shall have the following boundaries: from the intersection of Warrenton Street and Stuart Street southerly along the centerline of Warrenton Street until Warrenton Place; southerly along a line extending from the centerline of Warrenton Street until Tremont Street; westerly along the centerline of Tremont Street until Charles Street South; northerly along the centerline of Charles Street South until an extension of the centerline of Shawmut Street; westerly along the extension of the centerline of Shawmut Street until Church Street; southerly along the centerline of Church Street until Piedmont Street; westerly along the centerline of Piedmont Street until Arlington Street; southwestly along the private alley that runs along a parallel route 100 feet south of Columbus Avenue until the centerline of Isabella Street; westerly along the centerline of Isabella Street until a point 150 feet east of Berkeley

APPENDIX B TO ARTICLE 27D (continued)

Street; southerly along a parallel route 150 feet east of Berkeley Street until the northern border of the Massachusetts Turnpike; westerly along the northern border of the Massachusetts Turnpike until the centerline of Berkeley Street; northerly along the centerline of Berkeley Street until the centerline of Columbus Avenue; northeasterly along the centerline of Columbus Avenue until the centerline of Stuart Street; easterly along the centerline of Stuart Street until the point of beginning.

Subdistrict H

Subdistrict H shall have the following boundaries: from the northwest corner of Berkeley Street and Stuart Street easterly along the centerline of Stuart Street until Arlington Street; southwesterly along the centerline of Columbus Avenue until Berkeley Street; southerly along the centerline of Berkeley Street until the northern border of the Massachusetts Turnpike; easterly along the northern border of the Massachusetts Turnpike until Tremont Street; northeasterly along Tremont Street and continuing along the centerline of Oak Street West until Washington Street; northerly along the centerline of Washington Street until a point 400 feet north of Oak Street West; westerly for a distance of 200 feet parallel to Oak Street West; northerly along a route 200 feet west of the centerline of Washington Street until Kneeland Street; easterly along the centerline of Kneeland Street until the alley 200 feet east of Washington Street; northerly along the alley 200 feet east of Washington Street until a point that is 100 feet north of Beach Street and 150 feet east of Washington Street; easterly along a route that is parallel to Beach Street 100 feet north of Beach Street until a point that is 50 feet west of Harrison Avenue; northerly along a route that is parallel to Harrison Avenue 50 feet west of Harrison Avenue until a point that is 150 feet south of Essex Street; easterly along a parallel route 150 feet south of Essex Street until Harrison Avenue; northerly along the centerline of Harrison Avenue until Essex Street; easterly along the centerline of Essex Street until Atlantic Avenue; southerly along the centerline of Atlantic Avenue until Kneeland Street; westerly along the centerline of Kneeland Street until Hudson Street; southerly along the centerline of Hudson Street until Harrison Avenue; southerly along Harrison Avenue until Herald Street; westerly along the centerline of Herald Street until the intersection of Chandler Street and Arlington Street; westerly along the southern border of the railroad right-of-way until the centerline of Columbus Avenue; westerly along a straight line for a distance of 100 feet to a point along the centerline of Clarendon Street and 300 feet south of the centerline of Stanhope Street; northerly along the centerline of Clarendon Street to Stanhope Street; easterly along the centerline of Stanhope Street until Berkeley Street; and northerly along the centerline of Berkeley Street until Stuart Street.

APPENDIX B TO ARTICLE 27D (continued)

Subdistrict I

Subdistrict I shall have the following boundaries: from the northwest corner of Staniford Street and Causeway Street northeasterly along the centerline of Causeway Street until the intersection of North Washington Street and Commercial Street; southerly along the centerline of North Washington Street until the intersection of Blackstone Street and New Chardon Street; westerly along the centerline of New Chardon Street until Merrimac Street; northwesterly along the centerline of Merrimac Street until Staniford Street; and northerly along the centerline of Staniford Street until Causeway Street.

Subdistrict J

Subdistrict J shall have the following boundaries: from the northwest corner of Boylston Street and Hemenway Street northerly in a straight line along the eastern side of Ipswich Street and continuing in a straight line across the Massachusetts Turnpike Extension to Newbury Street; southeasterly along the centerline of Newbury Street until Massachusetts Avenue; southerly along the centerline of Massachusetts Avenue until Boylston Street; westerly along the centerline of Boylston Street until Hemenway Street.

Subdistrict K

Subdistrict K shall have the following boundaries: from the corner of Stuart Street and Arlington Street westerly along the centerline of Stuart Street until Berkeley Street; southerly along the centerline of Berkeley Street until Stanhope Street; southwesterly along the centerline of Stanhope Street until Clarendon Street; southerly along the centerline of Clarendon Street for a distance of 300 feet; westerly along the southern border of Back Bay Station until Dartmouth Street; northerly along the centerline of Dartmouth Street for a distance of 25 feet; southwesterly along the southern lot line of Copley Place and along the centerline of the MBTA/Amtrak right-of-way until Harcourt Street; northwesterly along the centerline of Harcourt Street until Public Alley No. 401; southwesterly along the centerline of Public Alleys No. 401, No. 402, No. 403, No. 404 and along a straight line across Massachusetts Avenue for a distance of 100 feet west of Massachusetts Avenue until Public Alley No. 820; northwesterly along the centerline of Public Alley No. 820 along a parallel route 100 feet west of Massachusetts Avenue until St. Stephen Street; northeasterly along the centerline of St. Stephen Street until Massachusetts Avenue; westerly along the centerline of Westland Avenue until Edgerly Road; northerly along the centerline of Edgerly Road until Norway Street and continuing along Edgerly Road for a distance of 150 feet north of Norway Street; southeasterly along a straight line until Clearway Street; southeasterly along the centerline of Clearway Street to a point 75 feet east of Massachusetts Avenue;

APPENDIX B TO ARTICLE 27D (continued)

southerly along a parallel route 75 feet east of Massachusetts Avenue until the eastern extension of St. Stephen Street; easterly along a parallel route 275 feet north of Huntington Avenue until Belvidere Street; northwesterly along the centerline of Belvidere Street until Dalton Street; northerly along the centerline of Dalton Street until a point 120 feet south of Boylston Street; easterly along a parallel route 120 feet south of Boylston Street until Exeter Street; southerly along Exeter Street until Huntington Avenue; northeasterly along the centerline of Huntington Avenue until St. James Avenue; and easterly along the centerline of St. James Avenue until Arlington Street; southerly along Arlington Street until Stuart Street.

Subdistrict L

Subdistrict L shall have the following boundaries: from the intersection of Milk Street and Washington Street northerly until School Street; westerly along the central line of School Street until Tremont Street; southerly along the central line of Tremont Street until Boylston Street; westerly along the central line of Boylston Street until Arlington Street; southerly along the central line of Arlington Street until Stuart Street; easterly along the central line of Stuart Street until Warrenton Street; southerly along the central line of Warrenton Street until Warrenton Place; southerly along an extension of the centerline of Warrenton Street until Tremont Street; easterly along the central line of Tremont Street and continuing along the central line of Oak Street west until Washington Street; northerly along the centerline of Washington Street until a point 400 feet north of Oak Street west; westerly for a distance of 200 feet parallel to Oak Street west; northerly along a route 200 feet west of the centerline of Washington Street until Kneeland Street; easterly along the central line of Kneeland Street until the alley 200 feet east of Washington Street; northerly along the alley 200 feet east of Washington Street until a point that is 100 feet north of Beach Street and 150 feet east of Washington Street; easterly along a route that is parallel to Beach Street 100 feet north of Beach Street until a point that is 50 feet west of Harrison Avenue; northerly along a route that is parallel to Harrison Avenue 50 feet west of Harrison Avenue until a point that is 150 feet south of Essex Street; easterly along a parallel route 150 feet south of Essex Street until Harrison Avenue; northerly along the central line of Harrison Avenue until Essex Street; easterly along the central line of Essex Street until Chauncy Street; northeasterly along the centerline of Chauncy Street until Bedford Street; southeasterly along the centerline of Bedford Street until a point 125 feet south of Chauncy Street; northeasterly along a parallel route 125 feet south of Chauncy Street until Summer Street; northwesterly along the central line of Summer Street until Hawley Street; northeasterly along the central line of Hawley Street until Milk Street; westerly along the central line of Milk Street until Washington Street.

APPENDIX B TO ARTICLE 27D (continued)

Subdistrict M

Subdistrict M shall have the following boundaries: from the corner of Tremont Street and Park Street northerly along the centerline of Park Street until Beacon Street; easterly along the centerline of Beacon Street until Bowdoin Street; northerly along the centerline of Bowdoin Street and along the centerline of New Chardon Street until a point 100 feet north of Cambridge Street; westerly along a parallel route 100 feet north of Cambridge Street until Charles Street; easterly along the centerline of the eastbound lane of Charles Street until Blossom Street; northerly along an extension of the centerline of Blossom Street to the centerline of Charles Street; northeasterly along the centerline of Charles Street until Martha Road; easterly along the centerline of Martha Road until Lomasney Way; southeasterly along the centerline of Lomasney Way until Merrimac Street; southeasterly along the centerline of Merrimac Street until New Chardon Street; easterly along the centerline of New Chardon Street until Blackstone Street; southeasterly along the centerline of Blackstone Street until Hanover Street; southwesterly along the centerline of Hanover Street until Union Street; southerly along the centerline of Union Street until North Street; southerly along a straight line from the intersection of Union Street and North Street until the eastern lot line of 60 State Street and Chatham Street; easterly along the centerline of Chatham Street until Chatham Row; southerly along Chatham Row until the centerline of State Street; easterly along State Street until India Street; southeasterly along the centerline of India Street until the centerline of the Fitzgerald Expressway; southerly along the centerline of the Fitzgerald Expressway until the intersection of Atlantic Avenue and Northern Avenue; southeasterly along the centerline of Northern Avenue until the western pierhead and bulkhead line of Fort Point Channel; southwesterly along the western pierhead and bulkhead line of Fort Point Channel until the Broadway Bridge; northwesterly along the centerline of the Broadway Bridge until the centerline of Herald Street; northwesterly along the centerline of Herald Street until Harrison Avenue; generally northerly along the centerline of Harrison Avenue until Hudson Street; northerly along the centerline of Hudson Street until Kneeland Street; easterly along the centerline of Kneeland Street for a distance of 550 feet; southerly for 600 feet in a line parallel to the centerline of Hudson Street; easterly for a distance of 700 feet in a line parallel to the centerline of Kneeland Street until the eastern border of the railroad tracks right-of-way; northerly along the eastern border of the railroad tracks right-of-way until the southern lot line of the Stone and Webster Building; westerly along the southern lot line of the Stone and Webster Building until the easternmost boundary of South Station; northeasterly along the lot line of South Station until Summer Street; westerly along the centerline of Summer Street until the terminus of High Street; westerly along the centerline of Bedford Street until 100 feet east of Chauncy Street; northerly along a parallel line 100 feet east of Chauncy Street until Summer Street; westerly along the centerline of Summer Street until Hawley Street; northeasterly along the centerline of Hawley Street until Milk Street; westerly

APPENDIX B TO ARTICLE 27D (continued)

along Milk Street until Washington Street; northerly until School Street; westerly along the centerline of School Street until Tremont Street; southwesterly along the centerline of Tremont Street until Park Street.

Subdistrict N

Subdistrict N shall have the following boundaries: from the intersection of the North Washington Street Bridge and Causeway Street southwesterly along Causeway Street until the intersection of Staniford Street and Causeway Street; northwesterly along the centerline of Lomasney Way until Martha Road; westerly along the centerline of Martha Road until Charles Street; northeasterly from this point and along a straight line from the centerline of Charles Street until the centerline of the MBTA railroad right-of-way; westerly along the centerline of the MBTA right-of-way until an intersection with the water's edge of the Charles River; following the water's edge in a generally northerly direction until an intersection with the seawall; then following the seawall until the North-South Fitzgerald Expressway; southeasterly along the North-South Fitzgerald Expressway until a point 580 feet west of the intersection of the seawall and the North Washington Street Bridge and continuing southeasterly for a distance of 80 feet to the line of the existing exterior building wall; east along said line to the centerline of the North Washington Street Bridge; southerly along the centerline of the North Washington Street Bridge to Causeway Street.

Subdistrict O

Subdistrict O shall have the following boundaries: from the northwest corner of Kneeland Street and Atlantic Avenue northerly along Atlantic Avenue until Essex Street; westerly along the centerline of Essex Street until Chauncy Street; northerly along the centerline of Chauncy Street until Bedford Street; easterly along the centerline of Bedford Street until Summer Street; easterly along the centerline of Summer Street until the easternmost boundary of South Station; southerly along the eastern lot line of South Station for a distance of 275 feet; easterly in a straight line along the southern side of the Stone and Webster Building until the easternmost boundary of the railroad right-of-way; southward along the easternmost boundary of the railroad right-of-way for a distance of 1,400 feet; westerly for 700 feet in a line parallel to Kneeland Street; northerly along a parallel route 550 feet east of Hudson Street until Kneeland Street; and easterly along the centerline of Kneeland Street until Atlantic Avenue.

Subdistrict P

Subdistrict P shall have the following boundaries: from the intersection of Arlington Street and Beacon Street easterly along the centerline of Beacon Street until Park

APPENDIX B TO ARTICLE 27D (continued)

Street; southeasterly along the centerline of Park Street until Tremont Street; southwesterly along the centerline of Tremont Street until Boylston Street; westerly along the centerline of Boylston Street until Arlington Street; and northerly along the centerline of Arlington Street until Beacon Street.

Subdistrict Q

Subdistrict Q shall have the following boundaries: from the intersection of Massachusetts Avenue and Storrow Memorial Drive northerly along the centerline of the Harvard Bridge until the City of Boston boundary line; easterly along the City of Boston boundary line until the southwestern lot line of the so-called Boston Museum of Science property; southeasterly along the perimeter of said property and continuing along the perimeter of said property until the intersection of the City of Boston boundary line and the northeastern lot of said property; easterly along the City of Boston boundary line along a straight line until the seawall; southerly and easterly along the seawall until the intersection of the City of Boston boundary line; then easterly along the City of Boston boundary line until the centerline of the North Washington Street Bridge; southerly along the centerline of the North Washington Street Bridge until the intersection of the bridge and the south seawall; westerly along the seawall for approximately 580 feet to the centerline of the North-South Fitzgerald Expressway; northwesterly along the centerline of the North-South Fitzgerald Expressway until the seawall; westerly along the seawall until the intersection of the seawall and the water's edge of the Charles River; westerly and southwesterly along the water's edge until the MBTA railroad right-of-way; southeasterly along the MBTA railroad right-of-way until an extension of the centerline of Charles Street; southeasterly along the extension of the centerline of Charles Street and along the centerline of Charles Street until an extension of the centerline of Blossom Street; northerly along the extension of the centerline of Blossom Street until the centerline of the westbound lane of Charles Street; westerly along the centerline of the westbound lane of Charles Street and Embankment until the MBTA right-of-way; southerly along the MBTA right-of-way until the centerline of Embankment Road; southwesterly along the centerline of Embankment Road until Storrow Memorial Drive; and westerly along the centerline of Storrow Memorial Drive until the centerline of Massachusetts Avenue.



APPENDIX D TO ARTICLE 27D

DOWNTOWN INTERIM PLANNING OVERLAY DISTRICT AREA IN WHICH A PLANNED DEVELOPMENT AREA MAY BE PERMITTED

The boundaries in which a Planned Development Area may be permitted in the Financial District shall be: From the northwest corner of State Street and Devonshire Street easterly along State Street until a point 50 feet east of Kilby Street; southerly along a parallel route 50 feet east of Kilby Street until a point on Water Street 50 feet east of Batterymarch Street; westerly on Water Street until Batterymarch Street; southeasterly along Batterymarch Street until High Street; easterly along High Street until Purchase Street; southerly and southwesterly along Purchase Street until Summer Street; northwesterly along Summer Street until Devonshire Street; northerly along Devonshire Street until the northwest corner of Devonshire and State Street.



- 1 LEATHER DISTRICT
- 2 CHINATOWN BUSINESS DISTRICT
- 3 CHINATOWN/ BAY VILLAGE

9/21/87

APPENDIX F TO ARTICLE 27D

DOWNTOWN INTERIM PLANNING OVERLAY DISTRICT HOUSING PRIORITY AREAS

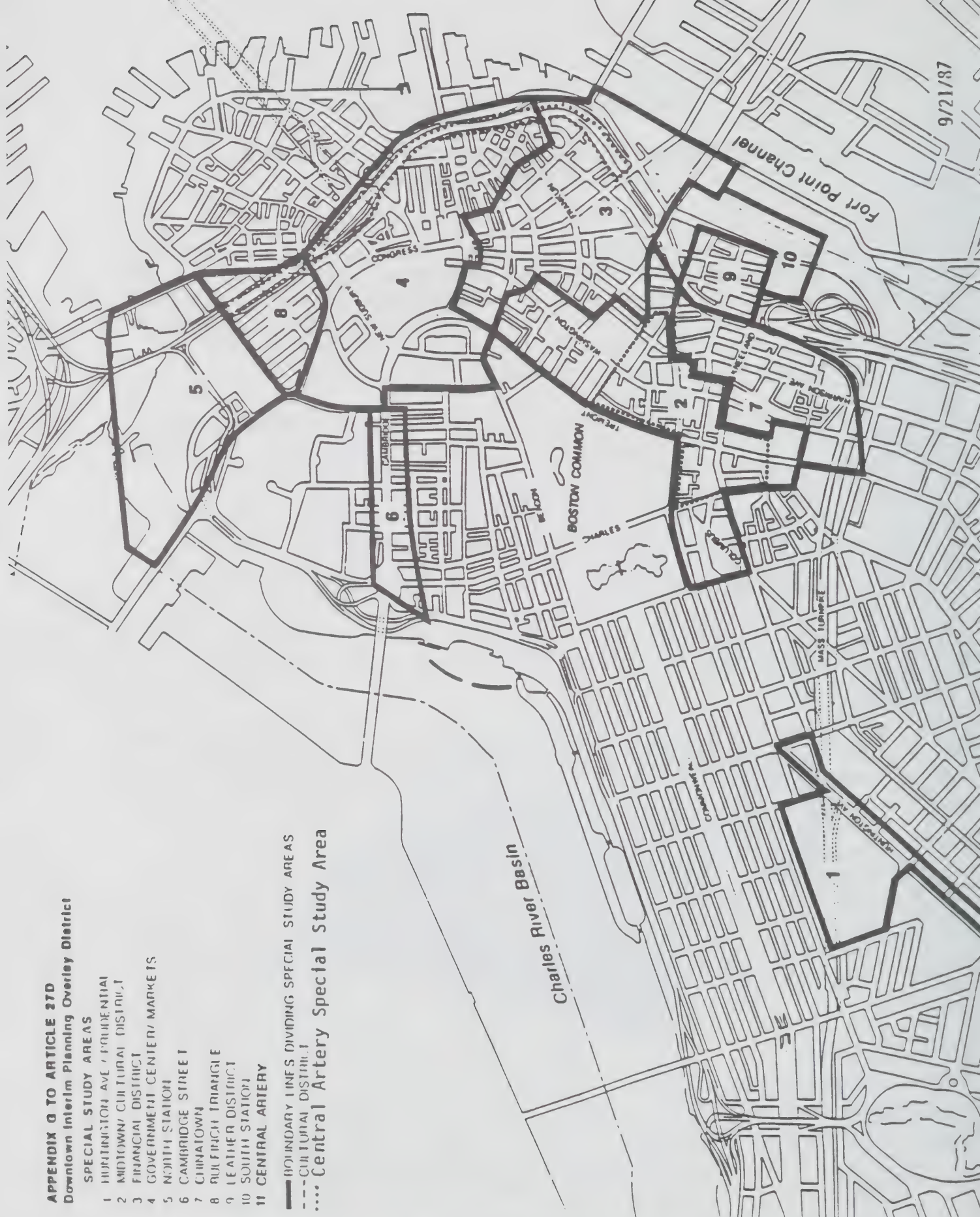
1. Leather District Housing Priority Area: From the intersection of Kneeland Street and the Fitzgerald Expressway easterly along the centerline of Kneeland Street until the centerline of Atlantic Avenue; northerly along the centerline of Atlantic Avenue until the centerline of Essex Street; westerly along the centerline of Essex Street until the Fitzgerald Expressway; southerly along the Fitzgerald Expressway until the point of beginning.
2. Chinatown Business District Housing Priority Area: From the intersection of Essex Street and the Fitzgerald Expressway southwesterly along the centerline of the Fitzgerald Expressway until Beach Street; northwesterly along the centerline of Beach Street until Hudson Street; southwesterly along the centerline of Hudson Street until Kneeland Street; westerly along the centerline of Kneeland Street until Knapp Street; northwesterly along the centerline of Knapp Street until Beach Street; northerly along a parallel route 100 feet west of Washington Street until a point 200 feet south of the Essex Street streetline; easterly along a route 200 feet south of the Essex Street streetline until Harrison Avenue; northerly along Harrison Avenue until the centerline of Essex Street; northeasterly along the centerline of Essex Street until the Fitzgerald Expressway.
3. Chinatown-Bay Village Housing Priority Area: From the intersection of Hudson and Kneeland Street southerly along the Surface Artery until Albany Street; southerly along Albany Street until the centerline of Herald Street; northwesterly along the centerline of Herald Street until the intersection of Herald Street and Tremont Street; from the intersection of Herald Street and Tremont Street westerly along the southern edge of the Amtrak/Massachusetts Bay Transportation Authority commuter rail right-of-way until the centerline of Cazenove Street; northerly along the centerline of Cazenove Street until Columbus Avenue; northerly along the centerline of Columbus Avenue until Stuart Street; easterly along the centerline of Stuart Street until Kneeland Street; easterly along the centerline of Kneeland Street until the point of beginning.

APPENDIX Q TO ARTICLE 27D
Downtown Interim Planning Overlay District

SPECIAL STUDY AREAS

- 1 HURTINGTON AVE / PRUDENTIAL
- 2 MIDTOWN / CULTURAL DISTRICT
- 3 FINANCIAL DISTRICT
- 4 GOVERNMENT CENTER / MARKETS
- 5 NORTH STATION
- 6 CAMBRIDGE STREET
- 7 CHINATOWN
- 8 RULIFIRCH TRIANGLE
- 9 LEATHER DISTRICT
- 10 SOUTH STATION
- 11 CENTRAL ARTERY

— BOUNDARY LINES DIVIDING SPECIAL STUDY AREAS
 --- CULTURAL DISTRICT
 Central Artery Special Study Area



APPENDIX H TO ARTICLE 27D

DOWNTOWN INTERIM PLANNING OVERLAY DISTRICT SPECIAL STUDY AREAS

Within the Downtown IPOD Study Area, eleven (11) Special Study Areas shall be established. The approximate boundaries of each Special Study Area are as follows.

1. **Huntington Avenue/Prudential Center.** From the intersection of Boylston Street and Dalton Street easterly along the centerline of Boylston Street until the intersection of Boylston Street and Exeter Street; southerly along the centerline of Exeter Street until the intersection of Exeter Street and Huntington Avenue; northeasterly along the centerline of Huntington Avenue until the centerline of Dartmouth Street; northerly along the centerline of Dartmouth Street until the centerline of Stuart Street; northwesterly along the centerline of Stuart Street for a distance of approximately 400 feet until an extension of the centerline of Public Alley #401; westerly along the centerline of Public Alley #401, Public Alley #402, Public Alley #403, and Public Alley #404, southerly along the centerline of Public Alley #820 and until the intersection of Public Alley #820 and St. Botolph Street; westerly along the centerline of St. Botolph Street until the centerline of Massachusetts Avenue; northerly along the centerline of Massachusetts Avenue until the centerline of Huntington Avenue; easterly along the centerline of Huntington Avenue until the intersection of Huntington Avenue and Belvidere Street; northerly thence northwesterly along the centerline of Belvidere Street until the centerline of Dalton Street; northerly along the centerline of Dalton Street until the centerline of Boylston Street at the intersection of Dalton Street and Boylston Street.
2. **Midtown/Cultural District:** From the intersection of Boylston Street and Arlington Street southeasterly along the centerline of Boylston Street until the centerline of Tremont Street; northerly along the centerline of Tremont Street until the intersection of Tremont Street and School Street; southeasterly along School Street until the centerline of Washington Street; southwesterly along the centerline of Washington Street until the intersection of Washington Street and Milk Street; southeasterly along Milk Street until the northeast extension of the centerline of Hawley Street; southwesterly along the extension of the centerline of Hawley Street and the centerline of Hawley Street until the intersection of Hawley Street and Summer Street; southerly along Summer Street for approximately 350 feet; westerly in a straight line for approximately 500 feet until the centerline of Bedford Street; southeasterly along the centerline of Bedford Street until the intersection of Bedford, Summer, High and South Streets; westerly in a straight line for approximately 458 feet until the intersection of Essex Street and Lincoln Street; northwesterly along the centerline of Essex Street until the intersection of Essex Street and Chauncy Street; southerly for

APPENDIX H TO ARTICLE 27D (continued)

approximately 175 feet along the centerline of Harrison Avenue; westerly for a distance of approximately 237.5 feet; southerly for a distance of 450 feet; westerly along the centerline of Kneeland Avenue for a distance of approximately 560 feet; southwesterly approximately 600 feet to the southeasterly corner of the Tufts N.E.M.C. Parking Garage; southerly approximately 175 feet to the centerline of Washington Street; westerly along the centerline of Washington Street until the intersection of Washington Street and Oak Street; northwesterly along Oak Street and Tremont Street until the intersection of Tremont Street and Charles Street South; northeasterly along the centerline of Charles Street until the intersection of Charles Street South and Stuart Street; westerly along the centerline of Stuart Street until the intersection of Columbus Avenue, Stuart Street and Arlington Street; northerly along the centerline of Arlington Street until the intersection of Arlington Street and Boylston Street.

3. Financial District. From the intersection of Tremont Street and School Street easterly along the centerline of Tremont Street until the intersection of Tremont Street and Court Street; southeasterly along the centerline of Court Street until the intersection of Court Street and Washington Street; southerly along the centerline of Washington Street for a distance of approximately 700 feet; easterly in a straight line for a distance of approximately 600 feet until the intersection of Kilby Street and State Street; southerly along Kilby Street until Liberty Square; southeasterly across Liberty Square and to the centerline of Batterymarch Street; southeasterly until the intersection of Batterymarch Street and High Street; easterly until the centerline of the Central Artery; southerly until the centerline of Northern Avenue; southeasterly along the centerline of Northern Avenue; southeasterly along the centerline of Northern Avenue until the Pierhead line; southwesterly along the Pierhead line, until a point 225 feet past the centerline of Summer Street; northwesterly until the southeastern boundary of South Station; northeasterly until the centerline of Summer Street; northwesterly along the centerline of Summer Street until the intersection of Summer Street, High Street and Bedford Street; northwesterly along the centerline of Bedford Street until a point 100 feet southeast of the centerline of Chauncy Street; northeasterly along a parallel 100 feet southeast of Chauncy Street until the centerline of Summer Street; northwesterly along the centerline of Summer Street until the intersection of Summer Street and Hawley Street; northeasterly along the centerline of Hawley Street until the corner of Hawley and Milk Streets; northwesterly along the centerline of Milk Street until the intersection of Milk Street and Washington Street; northeasterly along the centerline of Washington Street until the intersection of Washington Street and School Street; westerly along the centerline of School Street until the intersection of School and Tremont Street; however, excluding any area described in Special Study Area #11.

APPENDIX H TO ARTICLE 27D (continued)

4. Government Center/Markets. From the intersection of Beacon Street and Tremont Street northwesterly and westerly along the centerline of Beacon Street until the intersection of Beacon Street and Bowdoin Street; northerly along the centerline of Bowdoin Street until the intersection of Bowdoin Street and Cambridge Street; westerly along the centerline of Cambridge Street until the intersection of Cambridge Street and Staniford Street; northerly along the centerline of Staniford Street until the intersection of Staniford Street and Merrimac Street; southeasterly along the centerline of Merrimac Street until the intersection of Merrimac Street and New Chardon Street; easterly along the centerline of New Chardon Street until the centerline of the Fitzgerald Expressway; southerly along the Fitzgerald Expressway until the centerline of High Street; westerly along the centerline of High Street until the centerline of High Street and Batterymarch Street; northwesterly along the centerline of Batterymarch Street until Liberty Square; northerly across Liberty Square to the centerline of Kilby Street; northerly along Kilby Street until the intersection of Kilby Street and State Street; westerly for a distance of approximately 600 feet until the centerline of Washington Street; northerly along the centerline of Washington Street until the intersection of Washington Street and Court Street; westerly along the centerline of Court Street until the intersection of Court Street and Tremont Street; southwestly along the centerline of Tremont Street until the intersection of Tremont Street and Beacon Street; however, excluding any area described in Special Study Area #11.
5. North Station: From the intersection of Lomasney Way and Causeway Street northerly along the centerline of Lomasney Way until the intersection of Lomasney Way and Martha Road; northwesterly along the centerline of Martha Road until the intersection of Martha Road and Charles Street; easterly along an extension of the centerline of Charles Street until an extension of the centerline of the MDC Dam; northwesterly along the centerline of the MDC Dam until the City of Boston boundary line; easterly along the boundary line until the centerline of the North Washington Street Bridge; southerly along the centerline of the North Washington Street Bridge and Washington Street until the intersection of Washington Street and Causeway Street; southwestly along the centerline of Causeway Street until the intersection of Causeway Street and Lomasney Way; however, excluding any area described in Special Study Area #11.
6. Cambridge Street: From the intersection of Cambridge Street and Staniford Street northerly along the centerline of Staniford Street for a distance of approximately 212 feet; northwesterly 2,100 feet until the centerline of the northeastern ramp at George Washington Circle; southeasterly 725 feet; southwestly 2,500 feet until the centerline of Temple Street; northerly along the centerline of Temple Street until the intersection of Staniford Street and Cambridge Street.

APPENDIX H TO ARTICLE 27D (continued)

7. Chinatown. From the intersection of Tremont Street and Oak Street West southeasterly along the centerline of Oak Street until the intersection of Oak Street and Washington Street; northerly 375 feet along the centerline of Washington Street; northwesterly until the southeastern boundary of the Tufts N.E.M.C. Parking Garage for a distance of approximately 175 feet; northerly 565 feet until the centerline of Kneeland Street; southeasterly along Kneeland Street for a distance of approximately 600 feet; northerly 450 feet; easterly until the centerline of Harrison Avenue; northerly along the centerline of Harrison Avenue until the intersection of Essex Street and Chauncy Street; easterly along the centerline of Essex Street until the intersection of Essex Street and Lincoln Street; southwesterly along the centerline of Surface Road and the Fitzgerald Expressway until the intersection of Surface Road, the Fitzgerald Expressway and Kneeland Street; westerly along the centerline of Kneeland Street until the centerline of Hudson Street; southerly along Hudson Street until the centerline of Marginal Road; northerly along the centerline of Shawmut Avenue until the intersection of Shawmut Avenue, Oak Street West, and Tremont Street.
8. Bulfinch Triangle: From the intersection of Lomasney Way and Causeway Street northeasterly along the centerline of Causeway Street until the intersection of Causeway Street and Washington Street; southwesterly along the centerline of Washington Street until the intersection of Blackstone Street and New Chardon Street; southwesterly along the centerline of New Chardon Street until the intersection of New Chardon Street and Merrimac Street; northwesterly along the centerline of Merrimac Street until the intersection of Merrimac Street and Staniford Street; northwesterly along the centerline of Staniford Street until the intersection of Lomasney Way and Causeway Street; however, excluding any area described in Special Study Area #11.
9. Leather District: From the intersection of Essex Street and Lincoln Street easterly along the centerline of Essex Street until the centerline of Atlantic Avenue; southwesterly along the centerline of Atlantic Avenue until the intersection of Atlantic Avenue and Kneeland Street; northwesterly along the centerline of Kneeland Street until the intersection of Kneeland Street and Hudson Street; northeasterly along the centerline of Hudson Street until the intersection of Hudson Street and Beach Street; southwesterly along the centerline of Beach Street until the intersection of Beach Street and Surface Road; northeasterly along the centerline of Surface Road until the intersection of Lincoln Street and Essex Street.
10. South Station: From the intersection of Essex Street and Lincoln Street northeasterly 475 feet until the intersection of High Street and Summer Streets; easterly along the centerline of Summer Street for approximately 875 feet until

APPENDIX H TO ARTICLE 27D (continued)

an extension of the southeastern property line of South Station; southwesterly 325 feet along said extension and said property line; southeasterly 150 feet until a point 50 feet west of the Amtrak railroad right-of-way; southwesterly 1,300 feet; northwesterly 750 feet; northeasterly until the centerline of Kneeland Street; southeasterly along the centerline of Kneeland Street until the intersection of Kneeland Street and Atlantic Avenue; northeasterly along the centerline of Atlantic Avenue until the centerline of Essex Street; westerly along Essex Street until the intersection of Lincoln Street and Essex Street.

11. Central Artery: From the intersection of Congress Street and Purchase Street easterly along Purchase Street until the intersection of Purchase Street and Oliver Street; northerly along the western edge of the Central Artery right-of-way until the intersection of the Central Artery right-of-way and State Street; northwesterly along the western edge of Central Artery right-of-way and the North-South Fitzgerald Expressway, until the intersection of the East-West Fitzgerald Expressway; easterly for 200 feet across the North-South Fitzgerald Expressway to the eastern edge of the right-of-way; southeasterly along the eastern edge of the Fitzgerald Expressway right-of-way until the intersection of the Fitzgerald Expressway, State Street, and Atlantic Avenue; southerly along the eastern edge of the Central Artery right-of-way until the intersection of Atlantic Avenue, Northern Avenue and the U.S. Customs Building; southwesterly along Atlantic Avenue until the intersection of Atlantic Avenue and Congress Street; northwesterly along the centerline of Congress Street until the intersection of Congress Street and Purchase Street.

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⇅ ARTICLE 27N

SOUTH BOSTON SEAPORT BUFFER ZONE INTERIM PLANNING OVERLAY DISTRICT (⇅ Article inserted on December 6, 1997*)

SECTION 27N-1. Statement of Purpose. The purposes of this article are to establish interim planning standards and to facilitate the comprehensive planning and rezoning of the South Boston Seaport Buffer Zone; to manage the future development of this area for the use and benefit of the inhabitants of South Boston and Boston; to provide a predictable, clear, and understandable process for the public review of new development; to encourage the most appropriate uses of land; to provide for a buffer between the residential community and the adjacent proposed Convention Center; to provide for appropriate pedestrian and vehicular circulation patterns; to provide for pedestrian access and view corridors between the residential community and the water; and to promote land uses which provide jobs for the city's residents.

SECTION 27N-2. Declaration of Need for Interim Zoning. Interim zoning in the South Boston Seaport Buffer Zone IPOD Study Area is necessary to provide the proper balance between competing land uses and economic and environmental factors. Characteristics of existing zoning that render it inappropriate include its failure to: provide for opportunities for appropriately sited mixed-use, commercial, and residential development that is beneficial to the community; discourage the siting of certain uses, such as entertainment and hotel uses, that may be incompatible with a mixed-use residential, light manufacturing, and business area; regulate building heights to protect views and vistas; provide for adequate pedestrian and vehicular circulation and access; provide adequate parking controls; provide for zoning designations which result in the appropriate siting of land uses; preserve and enhance view corridors toward the water; and preserve the character of the adjacent residential neighborhood.

SECTION 27N-3. Definitions. For the purposes of this article only, the following terms shall have the meanings indicated:

1. "Applicant" means any person or entity having a legal or equitable interest in a Proposed Project that is subject to the provisions of this article, as set forth in Section 27N-5, or the authorized agent of any such person or entity.
2. "Convention Center" means a proposed meeting and exhibition facility anticipated to be constructed on Summer Street in South Boston.

* Date of public notice: October 13, 1997 (see St. 1956, c. 665, s. 5)

3. "Interim Planning Permit" means a permit granted pursuant to Section 27-3 for a Proposed Project subject to the provisions of this article.
4. "Proposed Project" means the erection, extension, or substantial demolition of any structure, or the change of use or occupancy of any structure or land, for which the Applicant is required to obtain a building or use permit.
5. "South Boston Seaport Buffer Zone IPOD" means the regulations imposed by this article.
6. "South Boston Seaport Buffer Zone IPOD Study Area" means the area defined in Section 27N-4.
7. "South Boston Waterfront Committee" means the advisory committee appointed by the Mayor of Boston to advise the Boston Redevelopment Authority on planning and development matters pertaining to the South Boston waterfront.
8. "Underlying Zoning" means all zoning regulations, with the exception of this article, that are contained in this Code and accompanying zoning maps.
9. "Zoning Relief" means any variance, conditional use permit, exception, zoning map or text amendment, or any other relief granted by the Zoning Commission or Board of Appeal.

SECTION 27N-4. **Physical Boundaries.** This article shall be applicable only in the South Boston Seaport Buffer Zone IPOD Study Area, which consists of the area depicted on Appendix A to this article. Within the South Boston Seaport Buffer Zone IPOD Study Area there are two study areas, the Cypher Street Study Area and the D Street Study Area, which study areas also are depicted on Appendix A to this article.

SECTION 27N-5. **Applicability.** Any Proposed Project within the South Boston Seaport Buffer Zone IPOD Study Area shall be subject to the provisions of this article except as otherwise specified in this Section 27-5.

1. Applicability Within Saint Vincent Neighborhood District. The provisions of Section 27N-10 (Interim Use Controls: Forbidden Uses), Section 27N-11 (Interim Height Controls) and Section 27N-12 (Interim Parking Controls) shall not apply to any Proposed Project in the South Boston Seaport Buffer Zone IPOD Study Area that is located within the boundaries of the Saint Vincent Neighborhood District. All other provisions of this article, including the requirements of Sections 27N-14 and 27N-15, concerning Interim Planning Permits, shall apply to any such Proposed Project.

2. Exempt Projects. The following Proposed Projects are exempt from the provisions of this article:
 - (a) Any Proposed Project for which application to the Inspectional Services Department for a building or use permit has been made prior to the first notice of hearing before the Zoning Commission for adoption of this article and for which no Zoning Relief is required.
 - (b) Any Proposed Project for which appeal to the Board of Appeal for any Zoning Relief has been made prior to the first notice of hearing before the Zoning Commission for adoption of this article, provided that such Zoning Relief thereafter is granted by the Board of Appeal pursuant to such appeal.

SECTION 27N-6. Zoning Regulations in Effect; Conflict Provisions. The South Boston Seaport Buffer Zone IPOD and Underlying Zoning together constitute the zoning regulations for the South Boston Seaport Buffer Zone IPOD Study Area. Upon expiration of this article, the Underlying Zoning shall be the sole set of zoning regulations for the South Boston Seaport Buffer Zone IPOD Study Area.

1. Conflicts: General Rule. Where conflicts exist between the provisions of the South Boston Seaport Buffer Zone IPOD and Underlying Zoning, the provisions of the South Boston Seaport Buffer Zone IPOD shall govern, except as provided in subsection 2 of this Section 27N-6.
2. Amendments to Underlying Zoning. Any duly enacted amendment to the Underlying Zoning pertaining to land use in the South Boston Seaport Buffer Zone IPOD Study Area shall govern, provided notice of a public hearing before the Zoning Commission is published after the effective date of this article. Notwithstanding any other provision of this article, any such amendment may occur prior to the expiration of this article and may relate to any area for which a planning and rezoning study has been completed by the Boston Redevelopment Authority.

SECTION 27N-7. General Land Use Objectives for the Study Area. The general land use objectives for the South Boston Seaport Buffer Zone IPOD Study Area are: to provide for a appropriate land uses; to promote a mix of commercial, light manufacturing, and certain retail and residential uses that are compatible with the adjacent residential community; to discourage the siting of certain uses, such as entertainment and hotel uses, that may be incompatible with a mixed-use residential, light manufacturing, and business area; to provide a buffer between the residential community and the proposed Convention Center and allow for uses that can provide business opportunities related to the Convention Center; to improve pedestrian access and view corridors to the water; to regulate building heights to protect views and vistas; to provide for adequate vehicular circulation while minimizing traffic and

parking congestion in residential neighborhoods; and to promote land uses that provide jobs for the city's residents.

SECTION 27N-8. Cypher Street Study Area. The area southwest of Cypher Street is designated as a Study Area because the essential character of this area is not firmly established. There is a mix of uses in the area, including commercial, general industrial, surface parking and, on the area's southernmost edge, residential uses. Comprehensive planning studies for this area are needed to evaluate the relationship between business, manufacturing, and industrial uses, the proposed Convention Center, and adjacent residential uses.

SECTION 27N-9. D Street Study Area. The D Street Study Area is a primarily industrial area with a significant amount of surface parking. Planning for this area is necessary to address the potential for development related to the Convention Center and its impacts on the adjacent residential neighborhood.

SECTION 27N-10. Interim Use Controls: Forbidden Uses. Within the South Boston Seaport Buffer Zone IPOD Study Area, a use listed in subsection 1 or 2 of this section shall be a forbidden use within the study area specified in that subsection, except as otherwise provided in Section 27N-5.1 (Applicability Within Saint Vincent Neighborhood District). Any use not otherwise defined in this article shall have the meaning set forth in Article 2A (Definitions Applicable in Neighborhood Districts).

1. Cypher Street Study Area.

Auditorium

Cinema

Concert hall

Theatre

Dormitory not accessory to a use

Fraternity

College or university

Adult Entertainment

Amusement game machines in commercial establishment

Amusement game machines in non-commercial establishment

Bar

Bar with live entertainment

Dance hall

Drive in theatre

Private club not serving alcohol

Private club serving alcohol
Restaurant with live entertainment not operating after 10:30 pm
Restaurant with live entertainment operating after 10:30 pm

Cemetery
Columbarium
Crematory

Hospital

Bed and breakfast
Conference center
Executive suites
Hotel
Motel

Cleaning plant
Restricted industrial use

Golf driving range
Stadium

Penal institution
Recycling facility (excluding facilities handling toxic waste)
Solid waste transfer station

Residential Uses

Drive-in restaurant

Adult bookstore
General retail business occupying a gross floor area of 75,000 square feet
Liquor store

Check cashing business
Container redemption center
Outdoor storage of solid fuel or minerals
Outdoor storage of damaged or disabled vehicles
Outdoor storage of junk and scrap
Storage of flammable liquids and gases - Large*
 (*storage of thirty thousand (30,000) gallons or more of flammable
 liquids or ten thousand (10,000) cubic feet or more of gases)
Storage or transfer of toxic waste
Wrecking yard

Airport
Bus terminal
Garage with dispatch
Helicopter landing facility
Motor freight terminal
Rail freight terminal
Railroad passenger station
Water terminal

Airport-related remote parking facility
Bus servicing or storage
Parking garage
Parking lot
Rental agency for cars
Rental agency for trucks

Accessory bus servicing or storage
Accessory dormitory
Accessory drive-through retail
Accessory family day care home
Accessory home occupation
Accessory keeping of animals other than laboratory animals
Accessory professional office in a dwelling
Accessory services for apartment and hotel residents

2. D Street Study Area.

Auditorium
Cinema
Concert hall
Theatre

Dormitory not accessory to a use
Fraternity

College or university

Adult Entertainment
Amusement game machines in commercial establishment
Amusement game machines in non-commercial establishment
Bar
Bar with live entertainment
Dance hall
Drive in theatre
Private club not serving alcohol

Private club serving alcohol
Restaurant with live entertainment not operating after 10:30 pm
Restaurant with live entertainment operating after 10:30 pm

Cemetery
Columbarium
Crematory

Hospital
Bed and breakfast
Conference center
Executive suites
Hotel
Motel

Cleaning plant
Restricted industrial use

Golf driving range
Stadium

Penal institution
Recycling facility (excluding facilities handling toxic waste)
Solid waste transfer station

Mobile home
Mobile home park
One family detached dwelling
Temporary dwelling structure

Drive-in restaurant

Adult bookstore
Liquor store

Check cashing business
Container redemption center

Enclosed storage of solid fuel or minerals
Outdoor storage of solid fuel or minerals
Outdoor storage of new materials if within 250 feet of a residential use
Outdoor storage of damaged or disabled vehicles
Outdoor storage of junk and scrap
Storage of flammable liquids - Large*

(*storage of thirty thousand (30,000) gallons or more of flammable liquids or ten thousand (10,000) cubic feet or more of gases)

Storage or transfer of toxic waste
Wrecking yard

Airport
Bus terminal
Garage with dispatch
Helicopter landing facility
Motor freight terminal
Rail freight terminal
Railroad passenger station
Water terminal

Airport-related remote parking facility
Bus servicing or storage
Outdoor sale of new or used vehicles
Parking garage
Parking lot
Rental agency for cars
Rental agency for trucks
Truck servicing or storage

Accessory bus servicing or storage
Accessory dormitory
Accessory drive-through restaurant
Accessory drive-through retail
Accessory family day care home
Accessory home occupation
Accessory keeping of animals other than laboratory animals
Accessory professional office in a dwelling
Accessory railroad storage yard
Accessory services for apartment and hotel residents

SECTION 27N-11. **Interim Height Controls.** Proposed Projects within the South Boston Seaport Buffer Zone IPOD Study Area are governed by the interim height controls set forth in Table 1 of this Section 27N-11, except as otherwise provided in Section 27N-5.1 (Applicability Within Saint Vincent Neighborhood District).

TABLE 1

**South Boston Seaport Buffer Zone
Interim Planning Overlay District**

Interim Height Controls

<u>Study Area</u>	<u>Underlying Zoning Designation</u>	<u>Underlying Zoning Height Controls</u>		<u>Interim Height Controls</u>	
		<u>Stories</u>	<u>Feet</u>	<u>Stories</u>	<u>Feet</u>
Cypher Street Study Area	I-2	none	none	4	45
D Street Study Area	I-2	none	none	6	65

SECTION 27N-12. Interim Parking Controls. Within the South Boston Seaport Buffer Zone IPOD Study Area, the interim parking controls of this section shall apply to any Proposed Project that includes a use included in Table A of Section 8-7 under Use Item Nos. 1 through 15, except as otherwise provided in Section 27N-5.1 (Applicability Within Saint Vincent Neighborhood District). In any such Proposed Project, the following number of off-street parking spaces are required for dwelling units created after the effective date of this article:

<u>Number of Dwelling Units</u>	<u>Off-Street Parking Spaces Required for Each Unit</u>
1	1.0
2	1.0
3	1.0
4 or more	1.5

SECTION 27N-13. Public Realm Master Plan. A master plan for the public realm of the South Boston Seaport area is being developed by the Boston Redevelopment Authority, working in conjunction with the South Boston Waterfront Committee, and shall include the South Boston Seaport Buffer Zone IPOD Study Area. The provisions of such public realm master plan relating to the South Boston Seaport Buffer Zone IPOD Study Area shall include, but need not be limited to, design guidelines and streetscape guidelines. Such provisions may be issued as part of a single master plan or as part of one or more separate planning studies.

SECTION 27N-14. Standards for Issuance of Interim Planning Permit. The Board of Appeal shall grant an Interim Planning Permit for a Proposed Project only if it finds that: (a) the benefits to the community outweigh the burdens imposed; (b) the Proposed Project does not involve a use designated as forbidden in Section 27N-10 (except as provided in Section 27N-5.1, Applicability Within Saint Vincent Neighborhood District); and (c) the Proposed Project is in substantial accord with the following:

1. The land use objectives set forth in Section 27N-7;
2. The planning studies conducted pursuant to Sections 27N-8 and 27N-9, as applicable;
3. The interim height controls set forth in Section 27N-11, as applicable;
4. The interim parking controls set forth in Section 27N-12, as applicable;
5. Any other applicable provision of this article.

In issuing an Interim Planning Permit, the Board of Appeal shall provide in its written decision specific reasons why the Proposed Project is in substantial accord with the above standards.

SECTION 27N-15. Enforcement. The Building Commissioner shall not issue a building, demolition, or use permit for any Proposed Project subject to the provisions of this article unless the Board of Appeal has approved an Interim Planning Permit for the Proposed Project in accordance with Section 27-3 (Interim Planning Procedure) and Section 27N-14 (Standards).

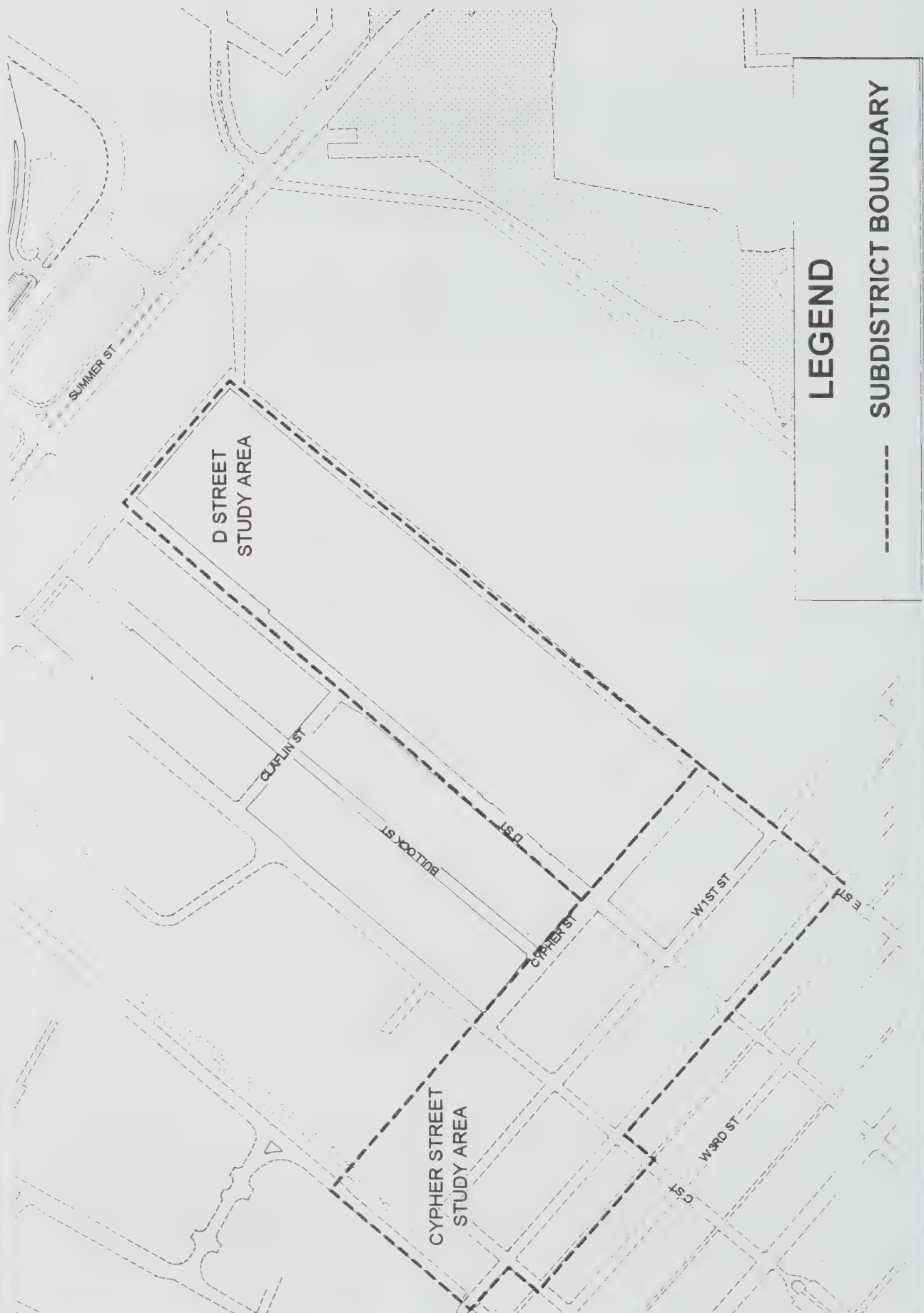
SECTION 27N-16. Sunset Provision; Subsequent Amendments. This article shall be in effect for twelve (12) months from the effective date of this amendment, unless otherwise extended pursuant to Section 27-2. While in effect, this article or portions of this article may be repealed or superseded by subsequent amendments to this article or by amendments to the Underlying Zoning as to which notice of a public hearing before the Zoning Commission is published after the effective date of this article. Upon expiration of the period for which this article is in effect, Underlying Zoning, as amended, alone shall constitute the zoning regulations for the area governed by this article.

SECTION 27N-17. Timetable for Rezoning. Submission of proposed zoning changes by the Boston Redevelopment Authority to the Zoning Commission shall be completed within eleven (11) months from the enactment of the South Boston Seaport Buffer Zone IPOD, and notice of the Zoning Commission hearing on any petition to adopt proposed zoning changes shall be published within twelve (12) months of the enactment of the South Boston Seaport Buffer Zone IPOD; provided that failure of the

Boston Redevelopment Authority to submit proposed zoning changes to the Zoning Commission within eleven (11) months shall not invalidate any provision of the South Boston Seaport Buffer Zone IPOD or Underlying Zoning.

SECTION 27N-18. **Regulations.** The Boston Redevelopment Authority may promulgate regulations to administer this article.

SECTION 27N-19. **Severability.** The provisions of this article are severable, and if any such provision or provisions shall be held invalid by any decision of any court of competent jurisdiction, such decision shall not impair or otherwise affect any other provision of this article.

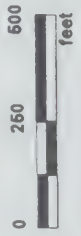


LEGEND

----- SUBDISTRICT BOUNDARY

South Boston Seaport

BUFFER ZONE



Appendix A

↓ ARTICLE 28

BOSTON CIVIC DESIGN COMMISSION

(↓ Article inserted on June 20, 1986)

SECTION 28-1. **Preamble.** Since its settlement, Boston has evolved a vibrant urban form that gives this historic city its vivid sense of place. Boston today is a city with many remarkable historic structures, a visionary parks and open space system, and a richness and diversity of districts and neighborhoods that distinguish it from other American cities.

A central concern to many Bostonians is how the design of new buildings affects what is called the public realm. The public realm is that aspect of the urban environment which is visible and accessible to the public, including both spaces and the building walls which frame them. The concept encompasses areas long thought of as public such as parks, tree-lined boulevards, sidewalks, and streets. It also includes some areas which are held in private ownership, but which are, in terms of their nature, function, or significance or their impact on the streetscape or existing historic context, truly public, such as the design of buildings, their lobbies, and connecting passageways. The principle of public realm rests on the belief that the public has a historic, necessary, and abiding interest in the way the city develops and changes because cities by their nature and function are public places as well as clusters of private property.

The premise of this article creating the Boston Civic Design Commission is that the citizens of Boston have a responsibility to participate in shaping the public realm, and that this responsibility begins with the public review of the design of large-scale and other significant public and private projects. This article establishes a process to allow the public that responsibility, and to undertake the complex balancing of the rights of private expression with the cultural values expressed in Boston's existing public realm.

SECTION 28-2. **Purpose.** The purpose of this article is to preserve and promote the health, safety, convenience, and welfare of the inhabitants of the City of Boston by establishing the Boston Civic Design Commission ("Design Commission"), an advisory body composed of individuals with a demonstrated interest or expertise in urban design. The Design Commission will be an integral part of the city's ongoing efforts both to make the city a more attractive place to live and work and to attain balanced growth which strengthens the economic, social, cultural, and visual connections between downtown Boston and the city's neighborhoods. The Design Commission will focus on the part of this effort that requires working with the public and with city officials in an open process to protect and enhance the public realm. By assisting and advising the city in the design review of projects that affect the public realm, the Design Commission will provide a forum for the general public and the

professional design community to actively participate in the shaping of the city's physical form and natural environment. Particular importance will be given to the integrity of those buildings, structures, open spaces, areas, parks, and monuments that contribute to Boston's distinctive character and human scale.

SECTION 28-3. Establishment. This article establishes the Boston Civic Design Commission.

SECTION 28-4. Definitions. For the purposes of this article, the following definitions shall apply:

- A. "Large-Scale Development Projects." Any development, whether commercial, residential, or other, in the City of Boston in which it is proposed: to erect a building or structure having a gross floor area in excess of one hundred thousand (100,000) square feet; to enlarge or extend a building or structure so as to increase its gross floor area by more than one hundred thousand (100,000) square feet; or to substantially rehabilitate a building or structure having, or to have, after rehabilitation, a gross floor area of more than one hundred thousand (100,000) square feet.
- B. "Projects of Special Significance." Any development in the City of Boston in which it is proposed to erect, alter, demolish, move, or enlarge a building or structure which is determined by a majority vote of the Design Commission to be of special urban design significance to the City of Boston. Projects of special significance shall include projects that are:
 - (1) In visual proximity to and within five hundred feet (500') of a landmark building designated as a category "1," "2" or "3" by the Boston Landmarks Commission; an architectural district established by the Boston Landmarks Commission or by State legislation; or a National Register District; or
 - (2) Visually prominent from a significant open space area or from a significant public right-of-way; or
 - (3) Located in areas of special historic interest, as established by the Boston Redevelopment Authority; or
 - (4) Situated in such a way as to have a significant impact on the visual quality of the surrounding area.
- C. "Civic Projects." Any project in the City of Boston in which it is proposed to create, erect, alter, demolish, move, or enlarge any park or open space, civic or cultural center, or monument which is determined by a majority

vote of the Design Commission to be of importance to the character or urban design of the City of Boston.

- D. "District Design Guidelines." Any comprehensive set of rules adopted by the Boston Redevelopment Authority and established to preserve and enhance the characteristics of a specific district within the City of Boston; these rules include the heights, setbacks, massing, scale, and materials of buildings, as well as the special features that make the district a distinct subarea of Boston.

SECTION 28-5. Scope of Jurisdiction. The Design Commission has the authority to review Large-Scale Development Projects, Projects of Special Significance, Civic Projects, and District Design Guidelines, as defined in Section 28-4 above, which are subject to the Boston Redevelopment Authority's planning authority. The Design Commission also has the authority to review projects which are within the executive authority of the Mayor, provided the Mayor consents to the review of such projects. In no event shall the Design Commission's power to review projects extend beyond that of the Boston Redevelopment Authority and that which is granted consensually by the Mayor. Once a project becomes subject to the Design Commission's review, in no event shall the Commission request documents from parties other than the Mayor and the Boston Redevelopment Authority; nor shall the Commission request documents from the Mayor, the Boston Redevelopment Authority, or other parties which are inconsistent with the Procedures for Review set out in Section 28-13. In all cases, the projects reviewed by the Design Commission shall be reviewed for the purposes stated in Section 28-2 on the basis of criteria referenced in Section 28-14A.

SECTION 28-6. Composition. There shall be eleven members of the Design Commission, all of whom shall be appointed by the Mayor. Members shall have a demonstrated interest in the design of the City of Boston; at least six members shall be professionals in the fields of architecture, landscape architecture, or urban design. At least one of the members of the Design Commission shall have expertise in historic preservation or architectural history. There shall be female and minority representation on the Design Commission.

SECTION 28-7. Nominations. The Mayor shall seek nominations for membership on the Design Commission from a wide range of community, civic, and professional organizations and individuals.

SECTION 28-8. Terms of Office. Seven of the Commission members initially appointed shall serve a term of three years; two of the remaining four shall serve for two years and two shall serve for one year. The Mayor shall determine whether each of the Commission members initially appointed shall serve a one-, two-, or three-year term. As the term of any Commission member initially appointed, or of any subsequent Commission member, expires, his successor shall be appointed for a term

of three years by the Mayor. Members shall serve until their successors are duly appointed. Vacancies, other than by reason of expiration of terms, shall be filled for the balance of the unexpired term.

SECTION 28-9. Removal. The Mayor may remove a member for just cause. Reasons for just cause shall include but not be limited to a pattern of nonattendance, noncompliance with procedures established under Section 28-14, failure to disclose conflicts of interest, incapacity due to illness, or conviction of a crime. The Mayor's determination that just cause for removal exists shall be conclusive.

SECTION 28-10. Compensation. The Mayor shall determine whether or not Design Commission members shall be compensated and the amount and timing of such compensation.

SECTION 28-11. Selection of Chairperson. The Chairperson of the Design Commission shall be appointed by the Mayor and shall serve a term of two years.

SECTION 28-12. Staffing. The Boston Redevelopment Authority shall staff the Design Commission with Boston Redevelopment Authority personnel in a manner consistent with the Commission's mission and purpose.

SECTION 28-13. Procedures for Review. Copies of the schematic project plans submitted by developers, as required by Development Review Procedures (1985, Boston Redevelopment Authority, and as may be amended or republished), shall be forwarded to the Design Commission for its review and use. In the instance of Projects of Special Significance and Civic Projects, the Design Commission shall receive whatever schematic design documents are available to the Mayor or the Boston Redevelopment Authority. In all cases, the Design Commission's review shall not be conducted or extend beyond the schematic design stage. The Boston Redevelopment Authority may submit its analysis and recommendations on each matter before the Design Commission. Copies of District Design Guidelines, when proposed by the Boston Redevelopment Authority, shall also be forwarded to the Design Commission for its review.

↑**SECTION 28-14. Recommendations.** The Design Commission may make recommendations to the Mayor and the Boston Redevelopment Authority as to the approval, the need for modifications, the need for further review, or the disapproval of the design of projects subject to its review. Such recommendations shall be made within sixty days of the date project plans are submitted to the Design Commission. With the Boston Redevelopment Authority's consent, a thirty-day extension and other such extensions may be granted to the Design Commission to afford it adequate time to formulate its recommendations. A decision not to review a project or make a recommendation on a project shall not be deemed to be a favorable or unfavorable recommendation. If and when submitted, recommendations shall be in the form of a written report presented to the Mayor and Boston Redevelopment Authority.

- A. Basis for Recommendations. Recommendations shall be made on the basis of established urban design principles and practices, and where the Boston Redevelopment Authority deems it appropriate and applicable, recommendations shall be made on the basis of design criteria established by the Boston Redevelopment Authority, either in its planning reports and studies or in specific requests for proposals (i.e., competitions).
- B. Method. Recommendations to the Mayor and the Boston Redevelopment Authority shall require a majority of those members present and voting and, in any event, no fewer than four (4) members voting in favor of such recommendations. The Design Commission shall adopt procedures, voted by a majority of all members, to establish the time, place, and manner for its members to vote and the process by which the Design Commission decides not to review a project or make a recommendation on a project. Such procedures and revisions to such procedures shall be submitted in writing to the Mayor and the Boston Redevelopment Authority within seven (7) calendar days of their adoption.
- C. Public Meetings. A public meeting on every matter submitted to the Design Commission for its review shall be held before the Commission conducts its final vote and makes its final recommendation. All such public meetings require at least seven (7) calendar days' notice to the general public in a newspaper of general circulation.
- D. Quorum. A quorum of the Design Commission shall be five (5) members.

(↑As amended on July 2, 1991)

SECTION 28-15. **Disapproval and Redesign.** In the event that two-thirds (2/3) of those members of the Design Commission that do not have a conflict of interest, as provided for by Section 28-17, after following the deliberative process outlined in Section 28-14, vote to disapprove the schematic design of a project or vote to disapprove proposed District Design Guidelines, the Boston Redevelopment Authority, or where appropriate the Mayor, shall require a redesign of such project or redrafting of such guidelines, unless the Boston Redevelopment Authority, by a vote of its Board, or the Mayor decides to approve the project's design or the proposed guidelines. In such an event, the Design Commission shall receive a written explanation of the basis of such approval.

SECTION 28-16. **Records.** The Design Commission shall record: the time and place of each meeting; the topic(s) discussed in each meeting; members in attendance at each meeting; whether the meeting was open to the public; what nonmembers were in attendance; any votes taken; and any disclosures by members of conflicts of interest. Such record shall be maintained in good and legible condition by the chairperson, or his or her designee, and be available for inspection by any

member of the public upon seven (7) calendar days' notice. Such record shall be available to the Mayor and the Boston Redevelopment Authority upon reasonable notice.

SECTION 28-17. **Conflict of Interest.** The members of the Design Commission shall be subject to M.G.L. c. 268A.

SECTION 28-18. **Rules.** The Design Commission shall adopt rules or bylaws, which shall include the procedures referenced in Section 28-14B and may include such other issues as are integral to the operation of the commission.

SECTION 28-19. **Severability.** The provisions of this article are severable, and if any provision shall be held invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not impair, or otherwise affect, any other provisions of this article.

↓ARTICLE 29

GREENBELT PROTECTION OVERLAY DISTRICT

(↓Article inserted on June 1, 1987)

SECTION 29-1. **Statement of Purpose.** The purposes of this article are to preserve and protect the amenities of the city of Boston; to preserve and enhance air quality by protecting the supply of vegetation and open space along the city's Greenbelt Roadways; to enhance and protect the natural scenic resources of the city; to protect the city's Greenbelt Roadways from traffic congestion and to abate serious and present safety concerns.

↓SECTION 29-2. **Definitions.** For the purposes of this article only, the following words and phrases, when capitalized, shall have the meanings indicated.

1. "Applicant" shall mean any person or entity having a legal or equitable interest in a Proposed Project subject to the requirements of this article, as set forth in Sections 29-3 and 29-5.
2. "Greenbelt Roadway" shall mean any landscaped roadway or major thoroughfare that is characterized by open space or landscaping along its right-of-way or that is used primarily by noncommercial or pleasure vehicles.
3. "Proposed Project" shall mean any construction, reconstruction, rehabilitation, or alteration of one or more structures constituting a unified development capable of depiction on a single site plan, or site work, for which the Applicant is required to obtain a building or use permit or permits.
4. "Residential Uses" shall mean Use Item Nos. 1, 1A, 2, 3, 4, 5, 6, 7, 7A, 7B, 8, and 10, as described in Table A of Section 8-7.
5. "Substantially Rehabilitate" shall mean to cause alterations or repairs to be made to a building or structure, within any period of twelve (12) months, costing more than fifty percent (50%) of the assessed value of the building or structure prior to such alterations or repairs, such value to be based on the assessed value for real estate tax purposes as of the assessment date preceding the application.

(↓As amended on November 24, 1987)

SECTION 29-3. **General Requirements and Procedures.** A Greenbelt Protection Overlay District (GPOD), a type of special purpose overlay district under

Section 3-1A, shall be a minimum of five acres. To designate an area as a GPOD, the following procedures shall be followed.

1. Boston Redevelopment Authority shall make a recommendation to the Zoning Commission that a Greenbelt Roadway and its surrounding area be designated a GPOD in order to protect the open space and aesthetic character of the area and to promote the purposes set forth in this article.
2. Upon a favorable recommendation by the Boston Redevelopment Authority, the Zoning Commission may designate an area as a GPOD.
3. In an area designated as a GPOD, an applicant for a building permit for any Proposed Project subject to the requirements of this article shall obtain a conditional use permit pursuant to the procedures set forth in Article 6.

↕SECTION 29-4. **Applicability.** Any Applicant seeking a building permit for exterior construction or alteration for a Proposed Project within a Greenbelt Protection Overlay District shall be subject to the requirements of this article where the Applicant seeks to erect one or more buildings or structures having a total gross floor area in excess of five thousand (5,000) square feet; to enlarge or extend one or more buildings or structures so as to increase the total gross floor area by more than five thousand (5,000) square feet; or to Substantially Rehabilitate one or more buildings or structures having, or to have after rehabilitation, a total gross floor area of more than five thousand (5,000) square feet; or to increase the impervious surface of a site by more than two thousand (2,000) square feet in addition to the existing impervious surface.

(↕As amended on November 24, 1987)

↕SECTION 29-5. **Specific Requirements.** The specific requirements of this Section 29-5 shall apply to any Proposed Project included under Section 29-4 within a Greenbelt Protection Overlay District:

1. The Applicant shall submit to the Boston Redevelopment Authority evidence of having submitted its plans to the city of Boston Parks Commission at least sixty (60) days prior to the meeting held by the Boston Redevelopment Authority on the Applicant's request for a conditional use permit or a report by the Parks Commission indicating whether it recommends project approval, denial, or modification. Design submissions to the Boston Redevelopment Authority shall be required in accordance with the development and design review procedures of the Authority, as they may be revised from time to time. See Article 80 concerning Large Project Review and Small Project Review requirements for Proposed Projects in Greenbelt Protection Overlay Districts.

(↑ As amended on May 9, 1996.)

SECTION 29-6. **Standards.** To obtain a conditional use permit the Applicant shall show that the Proposed Project complies with the following standards in addition to the standards set forth in Article 6: (a) provision for adequate vehicular access, off-street parking and loading and shall not have a significant adverse effect on traffic and parking on the Greenbelt Roadway and adjacent streets; (b) provision for landscaping treatment that ensures that the natural and aesthetic quality of the Greenbelt Roadway area will be maintained; (c) provision for the design of all structures that is compatible with surrounding neighborhood.

↓ SECTION 29-7. **Designation Greenbelt Protection Overlay Districts.** The following Greenbelt Roadways and their adjacent areas between the boundary lines stated are designated as Greenbelt Protection Overlay Districts:

1. William J. Day Boulevard in Dorchester and South Boston: lines parallel to, five hundred (500) feet from, and on each side of the center line of the right-of-way, from the midpoint of Kosciuszko Circle to Castle Island.
2. Veterans of Foreign Wars Parkway in West Roxbury: lines parallel to, five hundred (500) feet from, and on each side of the center line of the right-of-way, from Centre Street to Spring Street near the Town of Dedham line.
3. American Legion Highway in Roslindale: lines parallel to, five hundred (500) feet from, and on each side of the center line of the right-of-way from Blue Hill Avenue to the midpoint of the rotary at the junction with Cummins Highway.
4. Jamaicaway in Jamaica Plain, Roxbury, and West Roxbury: lines parallel to, five hundred (500) feet from, and on each side of the center line of the right-of-way, from Huntington Avenue to the midpoint of the rotary at the junction with Prince Street.
5. Arborway in Jamaica Plain and West Roxbury: lines parallel to, five hundred (500) feet from, and on each side of the center line of the right-of-way, from the midpoint of the rotary at the junction with Centre Street to the midpoint of the rotary at the junction with Morton Street.
6. West Roxbury Parkway in West Roxbury: lines parallel to, five hundred (500) feet from, and on each side of the center line of the right-of-way, from the Town of Brookline boundary line to Washington Street.

7. Enneking Parkway, in West Roxbury and Hyde Park: lines parallel to, five hundred (500) feet from, and on each side of the center line of the right-of-way, from Washington Street to Gordon Avenue.
8. Turtle Pond Parkway, in West Roxbury and Hyde Park: lines parallel to, five hundred (500) feet from, and on each side of the center line of the right-of-way, from the Dedham Parkway to River Street.
9. Dedham Parkway, in Hyde Park: lines parallel to, five hundred (500) feet from, and on each side of the center line of the right-of-way, from the intersection of the Enneking Parkway and the Turtle Pond Parkway to the Town of Dedham boundary line.

(↑As amended on July 1, 1987)

The areas of all GPODs shall be shown on a series of maps entitled "Zoning Districts City of Boston Supplemental Map Greenbelt Protection Overlay Districts" and dated with the effective date of this article. Said maps shall be deemed to be, and are hereby made, a part of this code.

SECTION 29-8. Enforcement. The Commissioner of Inspectional Services shall not issue any building permit for exterior construction or alteration for a Proposed Project subject to this article unless the Proposed Project complies with this article.

SECTION 29-9. Severability. If any provision or section of this article shall be held invalid by any court of competent jurisdiction, such provision or section shall be deemed to be separate and apart from the remaining provisions of this article, and such remaining provisions and sections shall continue in full force and effect.

↓ ARTICLE 30

BARRIER-FREE ACCESS

(↓ Article inserted on March 8, 1988)

SECTION 30-1. Statement of Purpose. The purposes of this article are to ensure that physically handicapped persons have full access to buildings open to the public; to afford such persons the educational, employment, and recreational opportunities necessary to all citizens; and to preserve and increase the supply of living space accessible to physically handicapped persons.

SECTION 30-2. Definitions. For the purposes of this article only, the following words and phrases, when capitalized, shall have the meanings indicated.

1. "Accessible" or "Accessible to Physically Handicapped Persons" shall be as defined in Chapter 521 of the Code of Massachusetts Regulations, as amended.
2. "Applicant" shall mean any person or entity having a legal or equitable interest in a Proposed Project subject, in accordance with Section 30-3, to the provisions of this article, or the authorized agent of any such person or entity.
3. "Hotel Use" shall mean Use Item Number 15, as defined in Table A, Section 8-7.
4. "Physically Handicapped Person" shall be as defined in Chapter 521 of the Code of Massachusetts Regulations, as amended.
5. "Proposed Project" shall mean the erection or extension of any structure or part thereof, or the change of use of any structure or land, for which the Applicant is required to obtain a building or use permit.
6. "Residential Use" shall mean Use Item Numbers 7, 7A, 7B, 8, 8A, 10, 11, 12, 13, 13A, or 14, as defined in Table A, Section 8-7.
7. "Zoning Relief" shall mean any zoning variance, exception, conditional use permit, or zoning map or text change, or any other relief granted by the Zoning Commission or the Board of Appeal.

SECTION 30-3. Applicability. Any Proposed Project which does not include a Residential Use or Hotel Use, or any Proposed Project for any Residential Use or Hotel Use of twelve (12) or more dwelling units, shall be subject to the provisions of this article. The following Proposed Projects, however, shall be exempt from the provisions of this article:

1. Any Proposed Project for which application to the Inspectional Services Department for a building or use permit has been made prior to the first notice of hearing before the Zoning Commission for adoption of this article and for which no Zoning Relief is required.
2. Any Proposed Project for which appeal to the Board of Appeal for any Zoning Relief has been made prior to the first notice of hearing before the Zoning Commission for adoption of this article, provided that such Zoning Relief has been or is thereafter granted by the Board of Appeal pursuant to such appeal.
3. Any Proposed Project or site for which application for approval of a development impact project plan, planned development area development plan, or planned development area master plan has been submitted to the Boston Redevelopment Authority prior to the first notice of hearing before the Zoning Commission for adoption of this article, provided that such development impact project plan, planned development area development plan, or planned development area master plan has been or is thereafter approved by the Boston Redevelopment Authority pursuant to such application, whether or not such application or such development impact project plan, planned development area development plan, or planned development area master plan is thereafter modified or amended.

SECTION 30-4. Barrier-Free Access Requirements. Except as otherwise provided in Article 6A, the public areas of any Proposed Project subject, in accordance with Section 30-3, to the provisions of this article shall be Accessible to Physically Handicapped Persons. Any Proposed Project containing a Residential Use or a Hotel Use and subject, in accordance with Section 30-3, to the provisions of this article shall be constructed so that all public areas are Accessible and a minimum of five percent (5%) of the dwelling units in such Proposed Project are Accessible and are comparable, with respect to construction quality and exterior appearance, to other dwelling units in the Proposed Project.

SECTION 30-5. Regulations. The Boston Redevelopment Authority may promulgate regulations to administer this article; provided, such regulations shall become effective only upon adoption by the Zoning Commission. Such regulations may incorporate by reference regulations promulgated pursuant to the Massachusetts Architectural Access Act, Massachusetts General Laws, Chapter 22, Section 13A, as amended.

SECTION 30-6. Severability. The provisions of this article are severable, and if any such provision or provisions shall be held invalid by any decision of any court of competent jurisdiction, such decision shall not impair or otherwise affect any other provision of this article.

↓ARTICLE 31

DEVELOPMENT REVIEW REQUIREMENTS

(↓Article inserted on January 4, 1988 and
deleted on May 9, 1996 by Text Amendment No. 227.)

[Ed. note: For development review requirements for large projects, see the requirements for Large Project Review in Article 80, Development Review and Approval.]

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↓ARTICLE 31A

DISCLOSURE OF BENEFICIAL INTERESTS

(↓Article inserted on December 5, 1989 and
deleted on May 9, 1996 by Text Amendment No. 227.)

[Ed. note: For requirements concerning the disclosure of beneficial interests in projects, see Article 80, Development Review and Approval, at Section 80B-8, Disclosure of Beneficial Interests in Large Projects.]

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ARTICLE 32: This number is reserved for a future article.

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ARTICLE 33

OPEN SPACE SUBDISTRICTS

(↑Article inserted on March 8, 1988)

SECTION 33-1. **Preamble.** This article supplements the creation of an open space district (OS) designation, which under Text Amendment No. 101 can be given to public lands or, with the written consent of the owner, to private property. The open space district and nine open space subdistricts, taken together, present a comprehensive means for protecting and conserving open spaces through land use regulations. The open space (OS) designation and an open space subdistrict designation can be used in conjunction with each other, thus establishing for the land so designated the particular restrictions of one of the subdistricts: community garden, parkland, recreation, shoreland, urban wild, waterfront access area, cemetery, urban plaza, or air-right. Land can be given the OS designation, however, without the simultaneous designation of a particular subdistrict, such as "park" or "garden," where the desired subdistrict designation is yet to be determined. This system instills flexibility into the regulation of open space.

SECTION 33-2. **Statement of Purpose.** The purposes of this article are to encourage the preservation of open space for community gardens, parkland, recreation, shoreland, urban wild, waterfront access area, cemetery, and urban plaza purposes; to enhance the quality of life of the city's residents by permanently protecting its open space resources; to distinguish different open space areas in order to provide for uses appropriate to each open space site on the basis of topography, water, flood plain, scenic value, forest cover, urban edge, or unusual geologic features; to prevent the loss of open space to commercial development; to restore Boston's conservation heritage of Olmsted parks; to coordinate state, regional, and local open space plans; to provide and encourage buffer zones between incompatible land uses and mitigate the effects of noise and air pollution; to promote and maintain the visual identity of separate and distinct districts; to enhance the appearance of neighborhoods through preservation of natural green spaces; and to ensure the provision of adequate natural light and air quality by protecting the supply of vegetation and open space throughout Boston.

SECTION 33-3. **Definitions.** For the purposes of this article only, the following words and phrases, when capitalized, shall have the meanings indicated.

1. "Applicant" shall mean any person or entity having a legal or equitable interest in a Proposed Project subject to the provisions of this article, or the authorized agent of any such person or entity.
2. "Planning and Zoning Advisory Committee" shall mean any neighborhood-based committee appointed by the Mayor to render advice to neighborhood

residents, the Mayor, city departments, and the Boston Redevelopment Authority regarding land use planning and zoning issues.

3. "Neighborhood Council" shall mean any neighborhood-based council established by the Mayor to render advice to neighborhood residents, the Mayor, city departments, and the Boston Redevelopment Authority regarding any municipal issues of neighborhood concern.
4. "Proposed Project" shall mean the erection, extension, or demolition of any structure or part thereof, or the change of use of any structure or land, for which the Applicant is required to obtain a building or use permit.
5. "Public Agency" shall mean the Commonwealth or one or more political subdivision(s) of the Commonwealth, or a department, agency, board, commission, authority, or other instrumentality of the Commonwealth, or of one or more political subdivision(s) of the Commonwealth, or the United States.
6. "Transit Corridor" shall mean any interstate, state, or local highway or rail line which lies below the grade level of abutting parcels of land, not including abutting transit corridors which lie below grade level.
7. "Vacant Public Land" shall mean any land owned by a Public Agency that is not in use for an essential public purpose.

SECTION 33-4. Petitioning for Open Space Subdistricts. Any property owner, or property owner representing a Planning and Zoning Advisory Committee or Neighborhood Council, or the Boston Redevelopment Authority, or the Boston Conservation Commission may petition the Zoning Commission to establish or to substantially change the use of an open space subdistrict within an open space (OS) district.

SECTION 33-5. Establishment of Open Space Subdistrict Categories. The nine categories of open space subdistricts established in Section 3-1 are: (a) OS-G, Community Garden; (b) OS-P, Parkland; (c) OS-RC, Recreation; (d) OS-UW, Urban Wild; (e) OS-SL, Shoreland; (f) OS-WA, Waterfront Access Area; (g) OS-CM, Cemetery; (h) OS-UP, Urban Plaza; and (i) OS-A, Air-Right.

SECTION 33-6. Land Eligible for Open Space Subdistrict Designation. Open space subdistricts may be established by the Zoning Commission only on land within an OS zoning district. An open space subdistrict designation imposes land use restrictions, as provided for in Sections 33-8, 33-9, 33-10, 33-11, 33-12, 33-13, 33-14, 33-15, and 33-16, which augment the basic use restrictions pertaining to OS districts (see Section 8-7). An open space subdistrict may be established on any land contained within one or more open space districts, provided that such land is: (a)

owned by a Public Agency, including but not limited to the City of Boston, the Boston Conservation Commission, the Boston Parks and Recreation Department, the Boston Redevelopment Authority, the Boston School Department, the Massachusetts Department of Environmental Quality Engineering, the Massachusetts Port Authority, the Metropolitan District Commission, the Boston Public Facilities Department, the Boston Real Property Department, or the Boston Water and Sewer Commission; or (b) owned by a private person, entity, or conservation trust, such as the Boston Natural Areas Fund, which consents in writing to the establishment of an open space subdistrict on such land.

SECTION 33-7. Minimum Area of Open Space Subdistricts. There shall be no minimum land area requirement for an open space subdistrict.

SECTION 33-8. Community Garden Open Space Subdistricts. Community Garden open space (OS-G) subdistricts shall consist of land appropriate for and limited to the cultivation of herbs, fruits, flowers, or vegetables, including the cultivation and tillage of soil and the production, cultivation, growing, and harvesting of any agricultural, floricultural, or horticultural commodity; such land may include Vacant Public Land.

SECTION 33-9. Parkland Open Space Subdistricts. Parkland open space (OS-P) subdistricts shall consist of land appropriate for and limited to passive recreational uses, including walkways, picnic areas, and sitting areas; such land may include Vacant Public Land. No building or structure which exceeds six hundred square feet in land area shall be erected within a Parkland subdistrict, and any structure in such subdistrict is subject to the provisions of Use Item No. 27A of Section 8-7; provided, the Boston Parks and Recreation Department, the Metropolitan District Commission, or the National Park Service may erect in parks that are now or hereafter may be under their control, except the Boston Common, Public Garden, and public squares, structures for the shelter and refreshment of persons frequenting such parks and for other park purposes, of such materials and in such places as in the opinion of the Commissioner of the Boston Fire Department do not endanger buildings or structures beyond the limits of the park.

SECTION 33-10. Recreation Open Space Subdistricts. Recreation open space (OS-RC) subdistricts shall consist of land appropriate for and limited to active or passive recreational uses, including walkways, physical education areas, children's play areas, swimming pools, skating rinks, and sporting areas, or a combination thereof, where such uses are administered by the Boston Parks and Recreation Department, the Metropolitan District Commission, or any nonprofit organization established for the purposes of carrying out the land uses allowed in this article; such land may include Vacant Public Land.

SECTION 33-11. Shoreland Open Space Subdistricts. Shoreland open space (OS-SL) subdistricts shall consist of land appropriate for and limited to that which

borders on tidewater or the ocean, including land over which the tide ebbs and flows, or any bank, marsh, beach, dune, swamp, salt meadow, tidal flat, or other low land subject to tidal action or coastal storm flowage. Any Proposed Project in a Shoreland subdistrict shall be limited to the following uses: (a) water-based recreational facilities such as swimming beaches, fishing piers, facilities accessory to the operation of a boating program open to the public, and launching ramps and transient dockage for recreational boats; (b) parks, walkways, children's play areas, or other open spaces for public enjoyment of the waterfront; and (c) facilities or services related to waterborne passenger transportation in excursion boats, ferries, cruise ships, water-taxis, or other similar types of vessels.

SECTION 33-12. Urban Wild Open Space Subdistricts. Urban Wild open space (OS-UW) subdistricts shall consist of land not in the city's park system which includes undeveloped hills, rock outcroppings, quarries, woodlands, meadows, scenic views, inland waters, freshwater wetlands, flood plains, wildlife habitat, or any estuary, creek, river, stream, pond, or lake, or any land under said waters. Urban Wild open space subdistricts shall be limited to conservation and passive recreational uses. Unpaved walkways are allowed in Urban Wild subdistricts.

SECTION 33-13. Waterfront Access Area Open Space Subdistricts. Waterfront Access Area open space (OS-WA) subdistricts shall consist of land which abuts or lies under the waters of the Commonwealth within the jurisdiction of the city. Any Proposed Project in a Waterfront Access Area subdistrict shall be limited to the following uses: (a) water-based recreational facilities such as swimming beaches, fishing piers, facilities accessory to the operation of a boating program open to the public, and launching ramps and transient dockage for recreational boats; (b) parks, walkways, children's play areas, or other open spaces for public enjoyment of the waterfront; and (c) facilities or services related to waterborne passenger transportation in excursion boats, ferries, cruise ships, water-taxis, or other similar types of vessels. Such facilities are subject to the provisions of Use Item No. 27A of Section 8-7.

SECTION 33-14. Cemetery Open Space Subdistricts. Cemetery open space (OS-CM) subdistricts shall be comprised of land appropriate for and limited to the purposes of interment.

SECTION 33-15. Urban Plaza Open Space Subdistricts. Urban Plaza open space (OS-UP) subdistricts shall consist of land appropriate for and limited to passive recreational uses; Urban Plaza subdistricts shall be directly accessible to the public from an adjoining street and may be furnished with benches, chairs, or other seating facilities and contain works of art, plantings, and other features.

SECTION 33-16. Air-Right Open Space Subdistricts. Air-Right open space (OS-A) subdistricts shall consist of land used as Transit Corridors owned by a Public Agency; Air-Right open space subdistrict regulations shall apply only to the development of spaces over such Transit Corridors.

1. No Proposed Project which is not necessary for the operation and maintenance of the Transit Corridor shall be permitted in an Air-Right open space subdistrict unless: (a) the Proposed Project preserves an area of open space equal to at least fifty percent (50%) of the site area of the Proposed Project, provided that such open space is exclusive of land that is paved for parking or loading or used for parking or loading; and (b) the Proposed Project provides open space which has landscaping features and a shape, dimension, character, and location suitable to assure its use for park, recreation, conservation, or garden purposes. The Public Agency or Applicant shall provide an open space plan which demonstrates compliance with the requirements of this paragraph; such plan shall be subject to the approval of the Boston Conservation Commission.
2. The Boston Conservation Commission shall base its approval of the open space plan required in paragraph 1 above on the Public Agency's provision of a perpetual conservation restriction of the type described in General Laws, Chapter 184, Section 31, as amended, which restriction shall run to or be enforceable by the city and recorded in respect to such open space. Such restriction shall provide that the open space shall be retained in perpetuity for one or more of the following purposes: conservation, garden, recreation, parkland, or any other purpose allowed pursuant to this article. Such restriction shall be in such form and substance as the Boston Conservation Commission prescribes and may contain such additional restrictions on development and use of the open space as the Boston Conservation Commission may deem appropriate pursuant to an agreement executed between the Boston Conservation Commission and the Public Agency.

SECTION 33-17. **Direct Designation of Open Space Districts.**

Notwithstanding any other provision of this article, the Zoning Commission finds the following areas are in compliance with the provisions of this article, and hereby designates the following areas as open space (OS) districts in their present uses.

Name of Park

Address/Location

Government Center

Cardinal Cushing Park
James M. Curley Memorial Plaza

Cambridge Street/New Chardon Street
119-133 Hanover/16-64 Union Street

Waterfront

Christopher Columbus Park
Rose Kennedy Garden

115-157 Atlantic Avenue
115-157 Atlantic Avenue

<u>Name of Park</u>	<u>Address/Location</u>
<u>South Cove</u>	
Tai Tung Park Elliott Norton Park	116 Tyler Street/Tai Tung 301-317 Tremont Street, Charles Street South
<u>South End</u>	
Peter's Park	Shawmut Avenue/Briggs Street/Bradford Street/Wilkes Street/Washington Street
Watson Park	12-14 Taylor Street
James Hayes Park	167 West Canton Street/158 Warren Avenue
Titus Sparrow Park	176-224 West Newton Street
David L. Ramsay Park (formerly Derby Park)	3 Ball Street/622 Shawmut Avenue/ 1901-1903 Washington Street, 1 Worcester Place
St. Helena's Park	95-99 Union Park Street
<u>Fenway</u>	
Morville Community Park	Norway Street/48-58 Edgerly Road/Burbank Street
<u>Roxbury</u>	
Madison Park High School Track and Field	Cabot Street/Ruggles Street/Dewitt Street
Jeep Jones Park	New Dudley Street/King Street/Roxbury Street
Malcolm X Park (formerly Washington Park)	2700 Washington Street/Dale Street/Paulding Street/Martin Luther King, Jr. Boulevard
<u>Charlestown</u>	
Shipyard Park	Charlestown Navy Yard

SECTION 33-18. **Severability.** The provisions of this article are severable, and if any such provision or provisions shall be held invalid by any decision of any court of competent jurisdiction, such decision shall not impair or otherwise affect any other provision of this article.

↓ARTICLE 34

INTERIM OFFICE USE CONTROLS IN M AND I DISTRICTS

(↓Article inserted on April 29, 1988. Extended on June 23, 1989
and May 3, 1990. Expired on April 29, 1991)

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ARTICLE 35

PORT NORFOLK NEIGHBORHOOD DISTRICT

(See Volume III - Neighborhood Districts)

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⇅ ARTICLE 36

LIGHT MANUFACTURING DISTRICT

(⇅ Article inserted on February 1, 1989)

SECTION 36-1. **Statement of Purpose.** The purposes of this article are to encourage land development that promotes the public health and general welfare; to maintain a safe and healthy environment; to allow for clean, environmentally sensitive, and labor-intensive manufacturing uses; to preserve the economic viability of light manufacturing industries; to protect light manufacturing industries from displacement resulting from land speculation; and to promote light manufacturing development that is compatible with adjacent industrial, commercial, and residential land uses.

SECTION 36-2. **Applicability.** Within an LM district, no building or structure may be erected, reconstructed, extended, or altered, and no building, structure, or land may be used or occupied, except as provided in this article; provided that, subject to the provisions of Article 9, any building existing on the effective date of this article and not conforming to the provisions of Section 36-9 through 36-13 may be used for any lawful use and may be altered or enlarged, provided that any dimensional nonconformity is not increased and that any enlargement itself conforms to such dimensional regulations.

SECTION 36-3. **Conflict Provision.** This article and the remainder of this code together constitute the zoning regulations in an LM District. Where conflicts exist between a provision of this article and any other provision of this code, the provisions of this article shall govern, unless this article specifically indicates otherwise.

SECTION 36-4. **Allowed Uses.** Within an LM District, each use listed in this section shall be allowed, provided that any such use meets the performance standards contained in Section 36-8.

1. Light manufacturing uses: the design, development, manufacture, compounding, packaging, processing, fabrication, altering, assembly, repairing, servicing, renting, testing, handling, or transfer, in accordance with performance standards provided in Section 36-8, of products including the following:
 - a. Ceramic products, including pottery and glazed tile
 - b. Construction equipment and products
 - c. Gas, diesel, and electrical machinery, equipment, or supplies

- d. Electronic and communication products, including, but not limited to, computer equipment, sound equipment, and household appliances
 - e. Fish or other food products
 - f. Instruments for engineering, medical, dental, scientific, photographic, optical, or other similar professional use
 - g. Metal and wood products
 - h. Office equipment or machinery
 - i. Pharmaceutical products, cosmetics, or toiletries
 - j. Textile products including, but not limited to, products from the following: canvas, burlap, cotton, knit goods, rope, and twine
 - k. Photographic supplies, including processing solutions
 - l. Supplies related to printing or engraving
 - m. Any other product, the production of which meets the performance standards provided in Section 36-8, subject to the provisions of Section 36-7.
2. Scientific research and development uses: laboratories and facilities for theoretical, basic, and applied research, product development and testing, prototype fabrication, or production of experimental products prior to preclinical testing, in accordance with performance standards provided in Section 36-8.
 3. Printing, engraving, or related production processes
 4. Publishing or distribution of books, newspapers, or other printed material
 5. Machine shop
 6. Wholesale and distribution uses: facilities for display, transfer, consolidation, handling, inventory, or protection of manufactured products, components, preassembled parts, or other goods in accordance with Sections 36-8 through 36-13
 7. Factory outlet for the sale of goods lawfully produced or processed in an LM district, whether or not on same lot

8. Warehousing and storage as an adjunct to operating business uses, except as specifically forbidden in Section 36-7.6
9. Office use, subject to the provisions of Section 36-14
10. Wholesale or retail rental, service, repair, or outdoor storage of construction equipment, tools, supplies, or machinery
11. Art use
12. Artists' mixed-use space
13. Any of the following uses:
 - a. Trade school, teaching facility, or learning center reasonably related to a light manufacturing or scientific research and development use
 - b. Day care center
 - c. Fire or police station, subject to St. 1956, c. 665, S. 5
 - d. Place of worship
 - e. Barber, beauty, shoe repair, laundry, dry-cleaning or tailor shop, or similar service establishment of less than one thousand (1,000) square feet of gross floor area
 - f. Eating place, without live entertainment, of less than one thousand (1,000) square feet of gross floor area
 - g. Bank of less than one thousand (1,000) square feet of gross floor area
 - h. Shop of upholsterer, carpenter, electrician, or plumber
 - i. Public park or open space
 - j. Public service pumping station, substation, telephone exchange, or similar use
14. Ancillary and accessory uses, subject to the provisions of Section 36-5.
 - a. Clinic
 - b. Eating place

- c. Library or museum
- d. Garage or parking lot for occupants, employees, customers, students, or visitors
- e. Recreational or health facility
- f. Keeping of laboratory animals incidental to a lawful use
- g. Storage of flammable liquids or gases incidental to a lawful use

SECTION 36-5. Ancillary and Accessory Uses. Within an LM District, the aggregate gross floor area of accessory and ancillary uses, exclusive of off-street parking, on a lot or lots shall not exceed forty percent (40%) of the gross floor area of the main buildings on the lot or lots on which the main use is located. In addition, no such accessory use shall occupy more than twenty-five percent (25%) of the rear yard required by this code or of the unbuilt lot area, nor shall any such accessory use occupy any part of a front or side yard required by this article.

SECTION 36-6. Conditional Use. Within an LM District, each use listed in this section is required to obtain a conditional use permit in accordance with the provisions of Article 6 of this code. In addition, such use is required to meet the performance standards contained in Section 36-8.

- 1. Parking lot or garage not accessory or ancillary to an allowed use
- 2. Repair garage, gasoline service station, or car wash
- 3. Eating place, without entertainment, of one thousand (1,000) or more square feet of gross floor area
- 4. Nonaccessory library or museum
- 5. Adult education or community center
- 6. Retail or grocery store primarily serving local retail business needs; provided that stores serving the general retail business needs of a major part of the city are forbidden and that auto dealerships and department stores are forbidden
- 7. Post office
- 8. Bank of one thousand (1,000) or more square feet of gross floor area; drive-in bank

9. Barber, beauty, shoe repair, laundry, drycleaning or tailor shop, or similar service establishment of one thousand (1,000) or more square feet of gross floor area
10. Laundry, dry-cleaning, or rug cleaning plant
11. Radio or television studio

SECTION 36-7. Forbidden Uses. Any use not allowed by Section 36-4 or permitted conditionally by Section 36-6 is forbidden in an LM District. In addition, any use listed in Section 36-4 or 36-6 which does not meet the performance standards in Section 36-8 is forbidden. Notwithstanding any other provision of this article, the following uses are forbidden within an LM District as provided in this section.

1. Batching of concrete, including handling and/or storage of cement, lime, sand, stone, or other aggregates
2. Curing, dyeing, washing, finishing, tanning, or bulk processing of fur, leather, or other animal by-products
3. Disposal, handling, or long-term storage of radioactive, biomaterial, or biohazardous waste, except to remove from the lot waste generated by a lawful use
4. Fossil fuel or nuclear power plant
5. Incineration or reduction of garbage, offal, or dead animals
6. Long-term storage of nonaccessible, previously used items; self-storage not for an allowed use; dead storage, including but not limited to storage of archival records, scrap, or junk
7. Manufacture of asphalt or asphalt products, charcoal, fuel briquettes, or lampblack
8. Manufacture of acetylene, aniline dyes, ammonia, carbide, caustic soda, cellulose, chlorine, carbon black or bone black, cleaning or polishing preparations, creosote, disinfectants, exterminating agents, fungicides, hydrogen or oxygen, industrial alcohol, insecticides, potash, plastic materials or synthetic resins, or hydrochloric, picric, or sulphuric acids or derivatives
9. Manufacturing of chemical warfare compounds

10. Manufacture of:

Coal, coke, or tar products, including gas
Fertilizers
Gases in amounts exceeding two thousand (2,000) cubic feet per day
Gelatin, glue, or size
Gypsum
Linoleum or oil cloth
Matches
Paint, turpentine, or varnish
Plastic (raw)
Rubber (natural or synthetic) including, but not limited to, tires, tubes,
or similar products
Soaps or detergents, including fat rendering

11. Office as a principal use, except as provided in Sections 36-4.9 and 36-14
12. Reduction, refining, or smelting of metal or metal ores
13. Refining of petroleum or petroleum products
14. Removal of gravel, loam, sand, or stone, except for reuse on the same lot or incident to the erection of a building on such lot
15. Sewage disposal plant
16. Solvent extracting
17. Storage of gases in amounts exceeding ten thousand (10,000) cubic feet, except as provided in Section 36-4.14.

SECTION 36-8. **Performance Standards for All Uses.** Within an LM District, each use shall comply with the provisions of this section.

1. None of the following effects shall be allowed:
 - a. Any emission beyond the boundaries of the lot that endangers human health or causes damage to vegetation or property
 - b. Any emission of radioactivity or any biohazard that exceeds any applicable local, state, or federal regulation
 - c. Any electrical disturbance which interferes unduly with the normal operation of equipment or instruments or which is reasonably likely to cause injury to any person located outside the lot

- d. Any surface water or groundwater contamination that exceeds any applicable state or federal regulations
2. Any noise, air pollutant, vibration, dust, odor, change in temperature, or direct or sky-reflected glare detectable by the human senses without the aid of instruments shall not be allowed to emanate more than fifty (50) feet beyond the boundaries of the lot upon which a use is located, or to emanate more than twenty (20) feet beyond the boundaries of the lot upon which a use is located if the lot abuts or is across the street from a residential district.

SECTION 36-9. Dimensional Requirements. Within an LM District, the following dimensional requirements shall apply to all buildings, structures, and uses, except as otherwise indicated in this section.

1. Minimum Lot Size: none
2. Minimum Lot Width: none
3. Maximum Floor Area Ratio: LM-1 Subdistrict, 1.0
LM-2 Subdistrict, 2.0
4. Maximum Height Limit: LM-1 Subdistrict, 35 feet
LM-2 Subdistrict, 65 feet
5. Minimum Front Yard: 15 feet, or the modal front yard depth as calculated by the method provided in Section 18-2 of this code, whichever is greater
6. Minimum Rear Yard: 20 feet
7. Minimum Side Yard: none, except that any lot with a side lot line abutting a residential (S, R, or H) district shall have a side yard setback equal to that required in such residential (S, R, or H) district
8. Maximum Percentage of Rear Yard which may be Occupied by Accessory Buildings: 25%

SECTION 36-10. Noninclusion in Gross Floor Area of Certain Light Manufacturing Uses. To encourage the light manufacturing uses included in Section 36-4.1, floor area (a) located on the ground floor of a structure and (b) occupied by such uses shall not be included in the calculation of the floor area ratio for such structure.

SECTION 36-11. Off-Street Parking. Within an LM District, except within a restricted parking district, off-street parking shall be provided as follows:

1. Any use contained in Section 36-4, subsections 1 through 7, shall provide one (1) space per one thousand (1,000) square feet of gross floor area.
2. All other uses shall provide parking as required by the provisions of Article 23. Where a use item listed in this article is not included in any use item number contained in Article 23, off-street parking facilities shall be provided in accordance with the requirements for the use item number listed in Article 23 which is most similar to such use.
3. All parking shall be screened from adjoining residential districts in accordance with the provisions of Section 36-13.

SECTION 36-12. Off-Street Loading. Within an LM District, off-street loading facilities shall be provided as required under Article 24. Where a use listed in this article is not included in any use item number contained in Article 24, off-street loading facilities shall be provided in accordance with the requirements for the use item number listed in Article 24 which is most similar to such use. All loading facilities shall be screened from adjoining residential districts and from view of public streets in accordance with the provisions of Section 36-13.

SECTION 36-13. Screening and Buffering. Within an LM District, the following screening and buffering requirements shall apply.

1. Where a nonresidential use abuts a residential district, such use shall provide and maintain along the property line(s) abutting such residential district a screen that consists of one of the following combinations of plant materials and fencing:
 - a. a strip at least five (5) feet wide, densely planted with shrubs and trees, and a heavy-duty vinyl-clad chain-link fence at least six (6) feet high, but not more than eight (8) feet height; or
 - b. a strip at least five (5) feet wide, planted with trees, and a stockade or board-type wooden fence, without plywood sheeting, constructed to be at least seventy-five percent (75%) opaque and at least six (6) feet high, but not more than eight (8) feet high.
2. Off-street parking facilities and lots, off-street loading areas, and accessory storage areas shall be screened from view from public rights-of-way other than rear alleys providing access only. Except as limited by the provision of Section 18-3 of this code concerning corner traffic visibility, such screening shall consist of trees and shrubs densely planted in a strip at least five (5) feet wide on the inside edge of a steel-picket or stockade or board-type wooden fence, provided that such fencing is not more than fifty

percent (50%) opaque and is no less than four (4) feet high and no more than six (6) feet high.

3. Shrubs required by this section shall consist of evergreen or a mixture of deciduous and evergreen, medium to heavy size, densely planted to provide a mature appearance within three (3) years. Trees required by this section shall be deciduous, evergreen, or some combination thereof. Deciduous trees shall be minimum three (3)-inch caliper at the time of planting and planted twenty to twenty-five (20-25) feet on center (o.c.). Evergreen trees shall be a minimum of twelve (12) feet high and planted twelve to fifteen (12-15) feet on center (o.c.). Approximately three (3) inches of pine-bark mulch shall be placed within the planting strip at the time of planting and replenished as necessary.
4. Landscaping required by this section shall be maintained in a healthy growing condition, free of refuse and debris. All plant materials and fencing shall be arranged and maintained so as not to obscure the vision of traffic in accordance with Section 18-3. There shall be no parking of vehicles in areas used for screening and buffering.
5. Disposal areas, dumpsters, and ground-mounted mechanical equipment shall be screened from view from public rights-of-way, other than rear alleys providing access only, with an opaque wall or fence; for disposal areas and dumpsters such wall or fence shall be six (6) feet high.
6. Roof-mounted mechanical equipment shall be painted to blend with adjacent or nearby building materials or shall be screened by wood, brick, or similar material.

SECTION 36-14. Provision of Office Space. Office use is allowed, either as a main use or as an accessory use, in an amount not to exceed forty percent (40%) of the gross floor area allowed within a lot.

SECTION 36-15. Signs. Within an LM District, all signs shall comply with the provisions of Article 11.

SECTION 36-16. Truck Routes. All truck transit to and from any lot within an LM District shall be in accordance with regulations of the City of Boston establishing designated truck routes.

SECTION 36-17. Mapping of LM Districts. The Boston Redevelopment Authority shall transmit a copy of any proposed map amendment to establish an LM District to area businesses, commercial property owners, and their associations, and to the Neighborhood Council, Planning and Zoning Advisory Committee, or both, or where no Neighborhood Council or Planning and Zoning Advisory Committee exists,

another neighborhood-based committee or council designated by the Mayor (a "neighborhood group"). A copy of any such proposed map amendment shall also be sent by mail, postage prepaid, to any person who has filed a written request with the Authority. Said neighborhood group shall, within thirty days after the date of such transmittal, file with the Boston Redevelopment Authority a report with recommendations. The Boston Redevelopment Authority shall not hold a hearing nor make its report and recommendation to the commission on such map amendment until such neighborhood group's report with recommendations has been received and considered; provided that if no such report is received within said thirty days, the Boston Redevelopment Authority shall hold a hearing and make its report and recommendation. The Boston Redevelopment Authority shall not recommend the establishment of any such LM District unless it finds that the amendment (a) will protect significant public investments in the creation or retention of an area for light manufacturing uses; (b) is part of a neighborhood-based planning and rezoning process, conducted pursuant to an established Interim Planning Overlay District; or (c) will protect significant public investments in the creation or retention of specific light manufacturing uses.

SECTION 36-18. **Enforcement.** It shall be unlawful to use or permit the use of any land or structure, or part thereof, hereafter erected or altered, until the Commissioner of the Inspectional Services Department shall have certified on the building permit, or if no building permit is needed, shall have issued a use permit specifying, the use to which the land or the structure may be put. Any permit application for a use which would be subject to the performance standards in Section 36-8 shall include a description of the operations contained in such use, the effects of such use, and any plans or other information necessary for the Commissioner to determine compliance with the performance standards provided in this article.

SECTION 36-19. **Regulations.** The Boston Redevelopment Authority may promulgate regulations to administer this article.

SECTION 36-20. **Severability.** The provisions of this article are severable, and if any such provision or provisions shall be held invalid by any decision of any court of competent jurisdiction, such decision shall not impair or otherwise affect any other provision of this article.

ARTICLE 37 RESERVED

ARTICLES 38-49 See Volume II - Downtown Districts, Central Artery Special
District, Harborpark District

ARTICLES 50-73 See Volume III - Neighborhood Districts

ARTICLES 74-79 RESERVED

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⇅ ARTICLE 80

DEVELOPMENT REVIEW AND APPROVAL

(⇅ Article inserted on May 9, 1996*)

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I. STATEMENT OF PURPOSE AND GENERAL PROVISIONS

SECTION 80-1. Purpose of this Article. The purpose of this Article is to provide clear, predictable, and unified requirements for the review of development projects throughout the City. These review requirements also provide important opportunities for community involvement in development review activities that affect the quality of life in the City.

The development review requirements set forth in this Article are established to protect and enhance the public realm, to mitigate the impacts of development projects on their surroundings and on City resources, to ensure compliance with the intent and purpose of this Code and promote efficiency in its administration, and to promote the public health, safety, convenience, and welfare. To that end, the goals of these development review requirements include the following: to protect and enhance urban design quality; to encourage the most appropriate use of land; to improve the overall quality of development; to mitigate the impact of new development on the City's transportation network and on adjacent residential neighborhoods; to encourage the use of mass transit and alternate modes of transportation; to improve pedestrian and vehicular circulation and access; to encourage new buildings and public spaces that are designed to enhance and preserve Boston's system of parks, squares, walkways, and active shopping streets; to ensure that physically handicapped persons have full access to buildings open to the public, to afford such persons the educational, employment, and recreational opportunities necessary to all citizens, and to preserve and increase the supply of living space accessible to physically handicapped persons; to prevent overcrowding and deterioration of existing housing and to preserve and increase the City's housing amenities; to maintain a healthy and safe environment; to provide ample access to light and air; to protect and improve air and water quality; to assess the demand for infrastructure services; to encourage development that is in harmony with its surroundings; to ensure that new development is compatible with the existing traditional scale and character of Boston; and to maintain and improve a healthy economy by augmenting the City's attractiveness as a place to live, to conduct business and to visit.

This Article sets forth citywide regulations for development review by the Boston Redevelopment Authority and its staff. These development review requirements provide consistent procedures for development review while recognizing appropriate differences between the Downtown, the Harborpark, and the Neighborhoods, between large and small projects, and between individual projects and comprehensive development programs. To provide appropriate review procedures for a wide variety of projects and development plans, this Article establishes four types of development review procedure. The purposes specific to each of these review procedures are described further in the following sections:

1. Large Project Review: Section 80B-1;
2. Small Project Review: Section 80E-1;

3. Planned Development Area Review: Section 80C-1;
4. Institutional Master Plan Review: Section 80D-1.

SECTION 80-2. **Scope of this Article.** This Article contains regulations for the review of development projects and plans where approval by the Boston Redevelopment Authority or its staff is required.

This Article does not include procedures for Boston Redevelopment Authority review where the Authority reviews a project or plan in an advisory capacity only. It also does not include procedures for review by other public agencies that may advise the Boston Redevelopment Authority.

SECTION 80-3. **Applicability of Review Requirements.** This Article establishes four types of development review procedure. To determine which of these procedures apply to a particular project or development plan, see the following sections:

1. Large Project Review: Section 80B-2;
2. Small Project Review: Section 80E-2;
3. Planned Development Area Review: Section 80C-2;
4. Institutional Master Plan Review: Section 80D-2.

SECTION 80-4. **Definitions.** The words and phrases used in this Article, whether or not capitalized, shall have the meanings set forth in Article 2A, except where otherwise specified in this Article.

SECTION 80-5. **Applicability of this Article.**

1. General Applicability to Projects and Plans. Except as otherwise specifically provided in this Section 80-5, the provisions of this Article shall apply to:
 - (1) Any Proposed Project that meets the review thresholds set forth in Section 80B-2, for Large Project Review; Section 80E-2, for Small Project Review; Section 80C-2, for Planned Development Area Review; or Section 80D-2, for Institutional Master Plan Review; and
 - (2) The approval and amendment of any Planned Development Area (PDA) Development Plan or PDA Master Plan; and
 - (3) The approval, amendment, renewal, and update of any Institutional Master Plan.

Zoning Relief in the form of exceptions from the provisions of this Article pursuant to Article 6A is not available, except to the extent expressly provided in this Article or in Article 6A.

2. Relationship to Other Provisions of Code: Conflicts; Provisions Superseded. Except as otherwise specified in this Article, where conflicts exist between the provisions of this Article and the remainder of this Code the provisions of this Article shall govern, notwithstanding any contrary provision of this Code. Without limiting the foregoing, this Article shall apply as set forth in this Section 80-5.2.
 - (a) Articles 26, 26A, and 26B (Development Impact Projects). Except as otherwise specified in this Article, the provisions of Section 80B-7 (Development Impact Project Exactions) supersede Article 26 (Development Impact Projects), Article 26A (Development Impact Projects - Housing), and Article 26B (Development Impact Projects - Job Training).
 - (b) Article 31 (Development Review Requirements). Except as otherwise specified in this Article, the provisions of Large Project Review, as defined in Section 80B-1, supersede the following provisions of this Code:
 - (1) Article 31 (Development Review Requirements); and
 - (2) Any provision of this Code, other than Article 31, that specifies procedures, scope or standards for review of Proposed Projects pursuant to Article 31; and
 - (3) Any provision of this Code that makes the provisions of Article 31 applicable within the Harborpark or within any Neighborhood district.

Wherever this Code provides that the dimensions, uses, design, or other elements of a Proposed Project shall be determined through Article 31 review, such matters shall be determined through Large Project Review, as defined in Section 80B-1.

Wherever this Code provides that a particular dimensional, use, or other requirement of this Code shall apply only if a Proposed Project is subject to, or elects to comply with, the requirements of Article 31 review, such requirement also shall apply to any Proposed Project that is subject to, or elects to comply with, the requirements of Large Project Review.

- (c) Article 31A (Disclosure of Beneficial Interests). Except as otherwise specified in this Article, the provisions of Section 80B-8 (Disclosure of Beneficial Interests) supersede Article 31A (Disclosure of Beneficial Interests).
- (d) Boston Redevelopment Authority Design Review and Site Plan Review. Wherever this Code, or any decision of the Board of Appeal, requires design review or site plan review by the Boston Redevelopment Authority, the Boston Redevelopment Authority shall conduct such design review or site plan review according to the applicable requirements of Small Project Review or Large Project Review, as determined by Section 80E-2 and Section 80B-2, respectively.
- (e) Planned Development Areas: Review and Approval of Development Plans and Master Plans.
 - (i) Relationship of Planned Development Area Review to Section 3-1A.a. Except as otherwise specified in this Article, the provisions of Planned Development Area Review, as defined in Section 80C-1, supplement, and do not supersede, the provisions of Section 3-1A.a; provided, however, that in the event of any conflict between the provisions of Section 3-1A.a and Section 80C-9 (Effect of Approved Development Plan on Applicability of Other Zoning Requirements), the provisions of Section 80C-9 shall govern. Without limiting the foregoing:
 - (1) Where Section 3-1A.a requires that a PDA development plan or master plan receive Boston Redevelopment Authority approval, the Authority shall review such plan, and grant any such approval, pursuant to the requirements of Planned Development Area Review; and
 - (2) Where Section 3-1A.a requires Boston Redevelopment Authority design review and approval for work in a Planned Development Area, the Authority shall review such work, and grant any such approval, pursuant to the applicable requirements of Small Project Review or Large Project Review, as determined by Section 80E-2 and Section 80B-2, respectively.
 - (ii) Provisions of Code Other than Section 3-1A.a. Except as otherwise specified in this Article, the provisions of Planned Development Area Review supersede any provision of this Code, other than Section 3-1A.a, that establishes requirements

for Boston Redevelopment Authority or Zoning Commission review or approval of PDA development plans or master plans or Zoning Commission designation of Planned Development Areas, or that specifies the extent to which Planned Development Areas are subject to underlying zoning.

- (f) Institutional Master Plans: Review and Approval. Except as otherwise specified in this Article, the provisions of Institutional Master Plan Review, as defined in Section 80D-1, supersede any provision of this Code that establishes requirements for Boston Redevelopment Authority or Zoning Commission review or approval of Institutional Master Plans, or for Zoning Commission designation of Institutional Master Plan Areas, or that specifies the effect of such approval or designation on the applicability of underlying zoning.
3. Exemptions from Specific Provisions of this Article. Notwithstanding any contrary provision of subsection 1 (General Applicability to Projects and Plans) or subsection 2 (Relationship to Other Provisions of Code: Conflicts; Provisions Superseded) of this Section 80-5, Proposed Projects, PDA Development Plans, PDA Master Plans, and Institutional Master Plans shall be exempt from the provisions of this Article to the extent specified in this Section 80-5.3, and shall be subject to the remainder of this Article. Any project or plan that is exempt from Large Project Review, Small Project Review, Planned Development Area Review, or Institutional Master Plan Review, pursuant to this Section 80-5.3, shall be subject to any provision of this Code that otherwise would be superseded by such review, pursuant to Section 80-5.2, without regard to any conforming amendment adopted to achieve consistency with such review in connection with this Article.
- (a) Exemptions with Respect to Large Project Review. A Proposed Project shall be exempt from Large Project Review if:
 - (i) application to the Inspectional Services Department for a building or use permit has been made prior to the first notice of hearing before the Zoning Commission for the adoption of this Article, and no Zoning Relief is required, or any required Zoning Relief has been or thereafter is granted; or
 - (ii) the Boston Redevelopment Authority has approved a Development Impact Project Plan, pursuant to Article 26 or 26A and Article 26B prior to the first notice of hearing before the Zoning Commission for the adoption of this Article; or

- (iii) a Project Notification Form has been filed with the Boston Redevelopment Authority pursuant to Section 31-5 prior to the first notice of hearing before the Zoning Commission for the adoption of this Article; or
 - (iv) the Director of the Boston Redevelopment Authority has issued a certification indicating that the Proposed Project has complied satisfactorily with the requirements of Article 31 or that no further review pursuant to Article 31 is required; or
 - (v) the Director of the Boston Redevelopment Authority has issued a certification indicating that review of the Proposed Project by the Boston Redevelopment Authority or by any other public agency was commenced prior to the date of the first notice of hearing before the Zoning Commission for the adoption of this Article.
- (b) Exemptions with Respect to Planned Development Area Review. Any Proposed Project or site for which an application for approval or amendment of a development plan or master plan for a Planned Development Area, pursuant to Section 3-1A.a, has been submitted to the Boston Redevelopment Authority prior to the first notice of hearing before the Zoning Commission for the adoption of this Article shall be exempt from Planned Development Area Review; provided that such development plan, master plan, or amendment has been or hereafter is approved by the Boston Redevelopment Authority pursuant to such application; and provided further that any subsequent amendment of such plan shall be subject to Planned Development Area Review.
- (c) Exemptions with Respect to Institutional Master Plan Review. An Institutional Master Plan shall be exempt from Institutional Master Plan Review if, prior to the first notice of hearing before the Zoning Commission for the adoption of this Article:
- (i) an Institutional Master Plan Notification Form (IMPNF) or similar application has been filed with the Boston Redevelopment Authority for the approval, amendment, or renewal of such Institutional Master Plan, provided that such Institutional Master Plan, or such amendment or renewal, has been or thereafter is approved by the Boston Redevelopment Authority pursuant to such IMPNF or application; or
 - (ii) the Zoning Commission has approved such Institutional Master Plan;

provided, in either case, that any subsequent amendment, renewal, or update of such Institutional Master Plan shall be subject to Institutional Master Plan Review.

- (d) Exemptions with Respect to Small Project Review. A Proposed Project shall be exempt from Small Project Review, as defined in Section 80E-1, if application to the Inspectional Services Department for a building or use permit has been made prior to the first notice of hearing before the Zoning Commission for the adoption of this Article, and:

- (i) no Zoning Relief is required; or
- (ii) any required Zoning Relief has been or thereafter is granted;

provided that construction work under such building permit, or occupancy under such occupancy permit, is commenced within six (6) months after the date of such permit and proceeds in good faith continuously to completion so far as is reasonably practicable under the circumstances.

SECTION 80-6. Coordination of Review Procedures. Where a Proposed Project that is subject to a review pursuant to this Article also is subject to other review by the Boston Redevelopment Authority or by other public agencies, the Boston Redevelopment Authority shall work to coordinate each type of review under this Article with other review to which the Proposed Project is subject.

To the extent feasible, the Boston Redevelopment Authority shall allow the Applicant to submit a single set of documents to satisfy the requirements of the applicable review procedures, provided that such documents satisfy the applicable substantive requirements of this Article.

To coordinate review schedules, the Boston Redevelopment Authority, upon the Applicant's written request, may alter the time periods for review set forth in this Article; provided, however, that if a review period is shortened, and a public comment period is required by this Article in connection with such review period, the number of days by which the public comment period is shortened shall not exceed the number of days by which the review period is shortened.

SECTION 80-7. Appeals. Any Applicant aggrieved by the denial of any permit by the Inspectional Services Department pursuant to this Article may appeal to the Board of Appeal within forty-five (45) days after such denial of a permit, in accordance with the provisions of Article 6.

SECTION 80-8. **Regulations.** The Boston Redevelopment Authority may promulgate regulations to administer this Article.

SECTION 80-9. **Severability.** The provisions and requirements of this Article are severable, and if any such requirements or provisions shall be held invalid by any decision of any court of competent jurisdiction, such decision shall not impair or otherwise affect any other provision or requirement of this Article.

II. REVIEW OF LARGE PROJECTS, PLANNED DEVELOPMENT AREA PLANS,
AND INSTITUTIONAL MASTER PLANS:

Approval Requiring Boston Redevelopment Authority Vote

A. GENERAL PROVISIONS

SECTION 80A-1. Payment of Fees. The Boston Redevelopment Authority, by regulations promulgated pursuant to Section 80-8, may establish appropriate fees for the development review required by this Article. Such regulations may establish all terms applicable to such fees, including but not limited to: amounts, schedules and methods of payment, and the return of all or part of any fee if the Boston Redevelopment Authority fails to issue a timely determination, pursuant to this Article, in connection with the review for which the fee is required.

SECTION 80A-2. Public Notice and Comment.

1. Notice of Receipt of Required Document. Within five (5) days after the Boston Redevelopment Authority has received any document required of the Applicant pursuant to Section 80B-5, Section 80C-5, or Section 80D-5, the Boston Redevelopment Authority shall publish notice of the receipt of such document in the manner required by subsection 3 (Publication of Notice) of this Section 80A-2. In addition, the Boston Redevelopment Authority shall send a copy of such notice to the Neighborhood Council (if any) for the neighborhood in which the area described in the document is located or, if there is no such Neighborhood Council, to a similar community or civic organization that ordinarily reviews planning and development issues for the area described in such document. The Boston Redevelopment Authority shall make one or more copies of such document available for public inspection at the offices of the Authority. The Applicant and the Boston Redevelopment Authority shall distribute copies of such document as required by Section 80A-3.
2. Notice of Boston Redevelopment Authority Hearing. At least ten (10) days prior to any hearing before the Boston Redevelopment Authority that is required pursuant to Section 80B-5, Section 80C-5, or Section 80D-5, the Boston Redevelopment Authority shall publish notice of such hearing in the manner required by subsection 3 (Publication of Notice) of this Section 80A-2.
3. Publication of Notice.
 - (a) Manner of Publication. Whenever the Boston Redevelopment Authority is required by this Article to publish notice pursuant to this Section 80A-2, the Authority shall publish such notice in a newspaper of general circulation in the City and shall give such notice in writing

to all public agencies of the City. With the exception of notice to the Commissioner of Inspectional Services, notice to the City's public agencies shall be deemed adequately given if such notice is published in any print or electronic publication that is issued on the City's behalf and is distributed in general circulation to the City's public agencies within the time periods required by this Section 80A-2.

- (b) Content of Notice. Any notice required by this Section 80A-2 shall contain the following information:
- (i) Applicant. The Applicant's name;
 - (ii) Location. The location of the Proposed Project and, if the required notice concerns a PDA Development Plan, PDA Master Plan, or Institutional Master Plan, the area to which such plan relates;
 - (iii) Documents Filed; Opportunity for Comment. If such notice is required by subsection 1 (Notice of Receipt of Required Document) of this Section 80A-2, such notice shall specify the type of document filed and review required (for example, a Project Notification Form for Large Project Review), a brief summary of the project proposed and approval requested by such document, the date on which the Boston Redevelopment Authority received such document, the date on which written comments must be received by the Boston Redevelopment Authority, and the time and place at which copies of the document may be reviewed or obtained;
 - (iv) Possible Waiver of Further Review. If such notice concerns the receipt of a Project Notification Form or Draft Project Impact Report for Large Project Review, such notice shall contain a statement indicating that the Boston Redevelopment Authority, in the Scoping Determination or Preliminary Adequacy Determination for such PNF or DPIR, may waive further review, pursuant to Section 80B-5.3(d) or Section 80B-5.4(iv), if, after reviewing public comments, the Authority finds that such PNF or DPIR adequately describes the Proposed Project's impacts; and
 - (v) Hearing. If such notice is required by subsection 2 (Notice of Boston Redevelopment Authority Hearing), such notice shall specify the time and place of the hearing and the time and place at which copies of the document to be considered at the hearing may be reviewed or obtained.

4. Public Comments. Public comments, including the comments of public agencies, shall be submitted in writing to the Boston Redevelopment Authority within the time periods specified in this Article.

SECTION 80A-3. Distribution of Required Documents. Except where otherwise specified in this Article, the Applicant shall be responsible for the distribution of any document that the Applicant must file with the Boston Redevelopment Authority pursuant to Section 80B-5, Section 80C-5, or Section 80D-5. The Applicant shall, upon request by the Boston Redevelopment Authority, distribute each such document to public agencies, civic and community groups, and members of the public who have requested a copy from the Boston Redevelopment Authority. Copies of PNFs for Large Project Review, fact sheets and area maps for Planned Development Area Review and IMPNFs for Institutional Master Plan Review shall be distributed without charge. Copies of Draft and Final Project Impact Reports for Large Project Review, and copies of PDA Development Plans, PDA Master Plans and Institutional Master Plans shall be distributed to public agencies without charge; for other copies of such reports and plans, the Applicant may, with the consent of the Director of the Boston Redevelopment Authority, charge the reproduction cost of such copies.

The Boston Redevelopment Authority shall make copies of the following documents available at the Authority's offices for distribution to the public on request: (1) PNFs for Large Project Review; (2) fact sheets and area maps for Planned Development Areas; and (3) IMPNFs for Institutional Master Plan Review.

SECTION 80A-4. Calculation of Time for Determinations; Extensions of Time; Special Impact Projects.

1. Calculation of Time for Determinations. Any time period specified in this Article for the issuance of a determination by the Boston Redevelopment Authority shall be calculated from the date by which the Authority has received the complete document submission required for such determination pursuant to the applicable provisions of Section 80B-5 for Large Project Review, Section 80C-5 for Planned Development Area Review, or Section 80D-5 for Institutional Master Plan Review. A document submission is not complete until the Authority has received all of the information required pursuant to such provisions.

If any required document submission does not contain adequate information for the Authority to make the determination required by this Article, the Authority, within thirty (30) days after receiving such document submission, shall request that the Applicant submit the necessary information, and the time period for the issuance of the Authority's determination shall be calculated from the date on which the Authority receives such information.

2. Extensions of Time. The Boston Redevelopment Authority may, by notifying the Applicant in writing, extend by up to sixty (60) days the time periods set forth in this Article for:
 - (a) the issuance of a Preliminary Adequacy Determination or Adequacy Determination for Large Project Review, pursuant to Section 80B-5, provided that the total of all such extensions for a Proposed Project shall not exceed sixty (60) days;
 - (b) Boston Redevelopment Authority approval of a PDA Development Plan or PDA Master Plan, pursuant to Section 80C-5; or
 - (c) the issuance of an Adequacy Determination for Institutional Master Plan Review, pursuant to Section 80D-5

if the Authority finds that additional time is necessary to render a determination because of the complexity of the Proposed Project or plan, or because of the need to coordinate the Authority's review with other review to which the Proposed Project is subject.

3. Special Impact Projects: Designation and Review Schedule. With the Applicant's agreement, the Boston Redevelopment Authority may designate a Proposed Project as a Special Impact Project and establish a project-specific review schedule for such project where the Authority determines that greater flexibility in the review schedule would assist the Authority, the Applicant, and the public in identifying and analyzing the impacts of the Proposed Project.

Projects for which a Special Impact Project designation may be appropriate include, but are not necessarily limited to, Proposed Projects that deviate substantially from the underlying zoning and are not included in an approved PDA Development Plan, PDA Master Plan, or Institutional Master Plan, or that are likely to have impacts that are unusual and significant because of their sensitive location or incompatibility with existing uses. In addition, an Applicant may wish to request a Special Impact Project designation where the Applicant expects the Proposed Project to change substantially during the review process, where a Proposed Project involves more than one phase, or where multiple Applicants or review agencies have significant involvement in the Proposed Project.

In general, the decision to designate a Proposed Project as a Special Impact Project should be made as early as possible in the review process. Such designation should be made prior to or during the scoping process, and any review schedule established should be set forth in the Scoping Determination issued pursuant to Section 80B-5 or Section 80D-5.

The Boston Redevelopment Authority shall publish notice of the review schedule established for a Special Impact Project. Such notice shall be published in the manner required by subsection 3 (Publication of Notice) of Section 80A-2.

SECTION 80A-5. Agreements. To ensure continued compliance with an approved Final Project Impact Report, PDA Development Plan, PDA Master Plan, or Institutional Master Plan, the Applicant shall enter into one or more agreements with the Boston Redevelopment Authority. Such agreements shall include a cooperation agreement, together with any other agreements necessary to enforce the applicable requirements of this Article, including but not limited to the requirements of Section 80B-3.1 concerning Transportation Access Plans and the requirements of Section 80B-7 (Development Impact Project Exactions). The cooperation agreement may incorporate the terms of any other agreements that the Applicant may be required to enter into pursuant to this Article or Code concerning the same Proposed Project, PDA Development Plan, PDA Master Plan, or Institutional Master Plan.

The cooperation agreement shall include the Transportation Department as a party, or shall require the Applicant to execute a separate agreement with the Transportation Department, where continued compliance with transportation provisions is specified by the approved Final Project Impact Report, PDA Development Plan, PDA Master Plan, or Institutional Master Plan. The cooperation agreement also may include other public agencies of the City as parties where necessary or convenient to achieve coordination of review pursuant to Section 80-6.

The Boston Redevelopment Authority shall maintain on file a copy of each agreement executed pursuant to this Section 80A-5 and, upon the request of the Applicant or any other party in interest, shall certify as to the status of compliance under any such agreement.

SECTION 80A-6. Project Changes and Lapse of Time. The Applicant shall, and others may, notify the Boston Redevelopment Authority of any material change in a Proposed Project or project phase, and any lapse of time, that is subject to review under this Article pursuant to Section 80B-2, Section 80C-2, or Section 80D-2. For purposes of this Section 80A-6, "project phase" shall mean any portion of a Proposed Project that is recognized as a discrete phase of such Proposed Project in the Scoping Determination, Preliminary Adequacy Determination, or Adequacy Determination issued pursuant to Section 80B-5.

In the event of a material change in a Proposed Project or project phase, or in the event of a significant lapse of time, as specified in this Section 80A-6, in the review and approval of a Proposed Project, PDA development plan or master plan, or Institutional Master Plan, the Director of the Boston Redevelopment Authority shall determine whether the project change or lapse of time significantly increases those impacts of the Proposed Project, project phase, or plan that are within the scope of

the required review, and whether such increased impacts warrant resubmission of the PNF, PDA development plan or master plan, or IMPNF; rescoping; supplementary documentation; or a further DPIR, FPIR, PDA development plan or master plan, or Institutional Master Plan.

1. Lapse of Time: Significance. For purposes of this Section 80A-6, a lapse of time shall be considered significant under the following circumstances:
 - (a) Large Project Review. A lapse of more than three (3) years between the filing of a PNF for a Proposed Project or project phase and the filing of an FPIR for such Proposed Project or project phase, or between the issuance of an Adequacy Determination for a Proposed Project or project phase and the filing of a building permit application for such Proposed Project or project phase, unless such lapse of time is approved in the Adequacy Determination;
 - (b) Planned Development Area Review. A lapse of more than three (3) years between the filing of a PDA Development Plan or PDA Master Plan and the approval of such plan pursuant to such application;
 - (c) Institutional Master Plan Review. A lapse of more than three (3) years between the filing of an IMPNF and the approval of any required Institutional Master Plan pursuant to such IMPNF.
2. Director's Determination. Before determining what additional review, if any, is required, the Director shall consult with the Applicant and, as appropriate, with any public agencies and persons who previously submitted comments to the Boston Redevelopment Authority pursuant to this Article concerning the review of the Proposed Project, project phase, or plan.

In determining whether a project change or a lapse of time may significantly increase the impacts of a Proposed Project or plan, the Director shall consider the following factors, as they pertain to the applicable review:

- (a) increase in the Proposed Project's size or intensity of use;
- (b) generation of additional or greater impacts of the type that may be examined by the applicable review;
- (c) increase in traffic impacts or increase in the number of proposed parking spaces;

- (d) change in the expected commencement or completion date, or change in the schedule of work on the project;
- (e) change of project site;
- (f) the need for additional Zoning Relief;
- (g) changes in the surrounding area, when a lapse of time is the reason for the Director's review under this Section 80A-6.

No further review is required under this Section 80A-6 for any project change or alternative that has been adequately considered in an approved FPIR, PDA Development Plan, or Institutional Master Plan.

If the Director determines that an Applicant has omitted a material fact or submitted inaccurate information in the course of the review of a Proposed Project, PDA Development Plan, PDA Master Plan, or Institutional Master Plan, the Director may treat such determination as a project change for purposes of this Section 80A-6.

B. LARGE PROJECT REVIEW AND RELATED APPROVALS

SECTION 80B-1. Large Project Review: Title; Purpose. Large Project Review, as established by this Article, comprises the provisions of Sections 80B-1 through 80B-6, including any requirements set forth therein for compliance with other provisions of this Article and Code.

Large Project Review provides a procedure for the comprehensive review of large development projects before and during the schematic design stage and affords the public the opportunity for review and comment. The purpose of this review is to assess a project's impacts on its surroundings and on City resources and to identify necessary mitigation measures.

Related approval requirements, and their purposes, are set forth in Section 80B-7 (Development Impact Project Exactions) and Section 80B-8 (Disclosure of Beneficial Interests).

↓**SECTION 80B-2. Applicability of Large Project Review and Related Approvals.** Large Project Review shall apply as set forth in this Section 80B-2. Related approval requirements also may apply, as set forth in Section 80B-7 (Development Impact Project Exactions) and Section 80B-8 (Disclosure of Beneficial Interests).

1. Downtown. Within the Downtown, Large Project Review shall apply to any Proposed Project:
 - (a) to erect a building or structure having a gross floor area of fifty thousand (50,000) or more square feet; or
 - (b) to enlarge or extend floor area by fifty thousand (50,000) or more square feet; or
 - (c) to establish or change the uses of a gross floor area of one hundred thousand (100,000) or more square feet; or
 - (d) to establish or change to conditional or forbidden uses, or to any High Impact Subuse of an Institutional Use, the uses of a gross floor area of fifty thousand (50,000) or more square feet; or
 - (e) to substantially rehabilitate a building or structure having, or to have after rehabilitation, a gross floor area of more than one hundred thousand (100,000) square feet.
2. Neighborhoods. Within the Neighborhoods, Large Project Review shall apply to any Proposed Project:

- (a) to erect a building or structure having a gross floor area of fifty thousand (50,000) or more square feet; or
- (b) to enlarge or extend a building or structure so as to increase its gross floor area by fifty thousand (50,000) or more square feet; or
- (c) to establish or change the uses of a gross floor area of fifty thousand (50,000) or more square feet, except as otherwise provided in paragraph (d) of this Section 80B-2.2; or
- (d) within an Institutional District or Institutional Subdistrict, or within the area depicted in Appendix A to this Article (Longwood Institutional Area), to establish or change to Institutional Uses the uses of a gross floor area of one hundred thousand (100,000) square feet not already occupied by Institutional Uses, provided that such Proposed Project does not include the addition or expansion of any High Impact Subuse of an Institutional Use; or
- (e) to establish or change to conditional or forbidden uses, or to any High Impact Subuse of an Institutional Use, the uses of a gross floor area of fifty thousand (50,000) or more square feet; or
- (f) to substantially rehabilitate a building or structure having, or to have after rehabilitation, a gross floor area of more than one hundred thousand (100,000) square feet.

3. Harborpark. Within the Harborpark, Large Project Review shall apply to any Proposed Project:

- (a) to erect a building or structure having a gross floor area of ten thousand (10,000) or more square feet; or
- (b) to enlarge or extend a building or a structure so as to increase its gross floor area by ten thousand (10,000) or more square feet; or
- (c) to establish or change the uses of fifty thousand (50,000) or more square feet of gross floor area; or
- (d) to construct, demolish, or alter any Pier, or to alter any shoreline, which construction, demolition, or alteration affects one thousand (1,000) or more square feet of Lot Area; or
- (e) to substantially rehabilitate a building or structure having, or to have after rehabilitation, a gross floor area of more than one hundred thousand (100,000) square feet;

provided that only Proposed Projects with a gross floor area of fifty thousand (50,000) or more square feet shall be subject to the Transportation Component requirements of Section 80B-3.1; and provided further that a Proposed Project for an allowed maritime-dependent industrial use located within a Maritime Economy Reserve (MER) Subdistrict and subject to review by the Secretary of the Executive Office of Environmental Affairs of the Commonwealth of Massachusetts under the Massachusetts Environmental Protection Act and its implementing regulations (MEPA) shall not be subject to Large Project Review.

4. Waiver or Modification of Large Project Review Requirements for Certain Projects in Industrial Areas. The purpose of this subsection 80B-2.4 is to allow the Boston Redevelopment Authority to waive or modify the requirements of Large Project Review for certain industrial projects in designated industrial areas if the Authority has determined that such waiver or modification will promote the city planning and economic development purposes set forth in this Code for such area and that such Proposed Project will not generate significant adverse impacts outside the Lot. The Boston Redevelopment Authority may waive or modify all or part of the requirements of Section 80B-3 through Section 80B-6 with respect to a Proposed Project that meets all the criteria of this Section 80B-2.4; provided, however, that where this Article requires a public comment period or public hearing, such public comment period shall not be waived without the waiver of the review period to which it relates, and such public hearing shall not be waived without the waiver of the required approval that is the subject of such hearing. The criteria for waiver or modification of review requirements pursuant to this Section 80B-2.4 are as follows:

- (a) such Proposed Project is located in one of the following districts or subdistricts:

EDA - Economic Development Area
I - General Industrial
IDA - Industrial Development Area
LI - Local Industrial
LIA - Logan International Airport
M - Restricted Manufacturing
WM - Waterfront Manufacturing

or in an industrial park, as defined in Article 2A; and

- (b) such Proposed Project is allowed as of right in such location, as indicated by the designation "Allowed" or "A" in the underlying zoning; and

- (c) the Authority determines that, with respect to those impacts that may be addressed pursuant to Section 80B-3 (Scope of Large Project Review), the Proposed Project will not have significant adverse impacts outside the Lot; and
 - (d) the Authority determines that the Proposed Project will promote the city planning and economic development purposes of the industrial area where the Proposed Project is located, as such purposes are identified in the underlying zoning or, in the case of an industrial park, as specified in the applicable Economic Development Plan and in any applicable approval for a Marine Industrial Park issued pursuant to 310 CMR 9.00, as amended.
5. Waiver of Large Project Review Requirements for Certain Projects to Preserve or Create Affordable Housing. The purpose of this subsection 80B-2.5 is to allow the Boston Redevelopment Authority to waive the requirements of Large Project Review for certain Proposed Projects to rehabilitate or construct Affordable Housing units if the Authority has determined that such waiver will increase the availability or quality of Affordable Housing in the City and that such Proposed Project will not generate significant adverse impacts outside the Lot. The criteria for waiver of such review requirements pursuant to this Section 80B-2.5 are as follows:
- (a) such Proposed Project is for the rehabilitation, replacement, extension, or creation of Affordable Housing units that are or will be subject to review by the Authority pursuant to Section 3-1A.a (Planned Development Areas), Section 3-1A.b (Urban Renewal Areas), or M.G.L. Chapter 121A; and
 - (b) the Authority determines that, with respect to those impacts that may be addressed pursuant to Section 80B-3 (Scope of Large Project Review), the Proposed Project will not have significant adverse impacts outside the Lot; and
 - (c) the Authority determines that the Proposed Project will increase the availability or quality of Affordable Housing in the City.

(↑As amended on December 13, 1996.)

SECTION 80B-3. Scope of Large Project Review; Content of Reports. All Proposed Projects that are subject to Large Project Review, pursuant to Section 80B-2, shall satisfy requirements relating to the Large Project Review components specified in this Section 80B-3, or such of these components as are required by the Boston Redevelopment Authority in its Scoping Determination issued pursuant to

Section 80B-5. The components of Large Project Review are: (1) transportation; (2) environmental protection; (3) urban design; (4) historic resources; (5) infrastructure systems; (6) site plan; (7) tidelands; and (8) Development Impact Project, as set forth in this Section 80B-3.

In the case of a Proposed Institutional Project that is described in an approved Institutional Master Plan, the Boston Redevelopment Authority shall limit its Scoping Determination for Large Project Review to those issues not already examined satisfactorily in the context of the approved Institutional Master Plan.

1. Transportation Component. In its Scoping Determination, the Boston Redevelopment Authority shall require the Applicant to submit a Transportation Access Plan that analyzes the Proposed Project's impact on the Transportation Network, and that proposes measures intended to mitigate, limit, or minimize, to the extent economically feasible, any adverse impact on the Transportation Network reasonably attributable to the Proposed Project.

The Applicant shall prepare the Transportation Access Plan in consultation with the Transportation Department. The Boston Redevelopment Authority shall collaborate with the Transportation Department in evaluating the Transportation Component of Large Project Review. If, within the time periods allowed for public comment, the Boston Redevelopment Authority receives from the Transportation Department, in writing, a recommended Scoping Determination for the Transportation Component, or a recommendation as to whether a Draft or Final Project Impact Report complies with the requirements of the Transportation Component, the Boston Redevelopment Authority shall adopt such recommendations in the Authority's determinations.

The approved Transportation Access Plan may be the basis for an Access Plan Agreement between the City and the Applicant specifying the measures necessary to mitigate and monitor the transportation impacts of the Proposed Project.

The Transportation Access Plan may consist of one or more of the following elements, as required by the Scoping Determination: (a) Traffic Management Element; (b) Parking Management Element; (c) Construction Management Element; and (d) Monitoring Element.

- (a) Traffic Management Element. The Scoping Determination may require the Traffic Management Element to: (i) identify the Proposed Project's impact on the Transportation Network from expected travel volumes, vehicle trip generation, and directional distribution; the location of loading and unloading activities, including service and

delivery; the Proposed Project's impact on the vehicular and circulation systems within the Impact Area, including the number and type of vehicles, pedestrians, and bicyclists; and the Proposed Project's impact on road corridors and intersection capacities, including Levels of Service and intersection delays from 6:00 a.m. to 8:00 p.m.; (ii) compare the impact of the Proposed Project to lesser-scale alternatives in an Impact Area and study year set out in the Scoping Determination; (iii) analyze the cumulative impact of all existing and planned development projects that can reasonably be expected to proceed, as set forth in the Scoping Determination; (iv) identify mitigation procedures that are intended to mitigate, limit, or minimize, to the extent economically feasible, the number of vehicle trips generated by the development, and the Proposed Project's interference with the safe and orderly operation of the Transportation Network; such measures may include an on-site traffic circulation plan, flexible employee work hours, dissemination of transit information, changes in traffic patterns, and full or partial subsidies for public mass transit; and (v) include other related information deemed necessary to the effective review of the Traffic Management Element. Notwithstanding the above, any Proposed Project of one hundred thousand (100,000) gross square feet or less may be deemed to be in compliance with the requirements of the Traffic Management Element if a comprehensive transportation plan is in effect for the area or district in which the Proposed Project is located, or if the Applicant participates in an areawide or districtwide transportation study or plan undertaken by, or in conjunction with, the Transportation Department. If an areawide or districtwide transportation study or plan has been undertaken in conjunction with the Transportation Department, such study or plan shall be made available to the Applicant and shall contribute to this component and may be accepted in fulfillment of it.

- (b) Parking Management Element. The Scoping Determination may require the Parking Management Element to: (i) identify the demand created by the Proposed Project for tenant, commuter, and short- and long-term visitor parking; nontenant and other parking needs within the Impact Area; and evening and weekend parking needs; (ii) include operational policies and strategies for the Proposed Project that address the location, cost, and number of public, private, high-occupancy vehicle, and special-needs parking demand; short-term and long-term space availability; pricing structure of parking rates; location and type of off-site parking; and methods of transporting people to the site from off-site parking; and (iii) include other related information deemed necessary to the effective review of the Parking Management Element. Notwithstanding the above, any Proposed

Project of one hundred thousand (100,000) gross square feet or less may be deemed in compliance with the requirements of the Parking Management Element if a comprehensive parking plan is in effect for the area or district in which the Proposed Project is located, or if the Applicant participates in an areawide or districtwide parking study or plan undertaken by, or in conjunction with, the Transportation Department. If an areawide or districtwide parking study or plan has been undertaken in conjunction with the Transportation Department, such study or plan shall be made available to the Applicant and shall contribute to this component and be accepted in fulfillment of it.

- (c) Construction Management Element. The Scoping Determination may require the Construction Management Element to: (i) identify the impact from the timing and routes of truck movement and construction deliveries for the Proposed Project; proposed street closings; and the need for employee parking; (ii) identify, and provide a plan for implementing, mitigation measures that are intended to mitigate, limit, or minimize, to the extent economically feasible, the construction impact of the Proposed Project by limiting the number of construction vehicle trips generated by the Proposed Project, the demand for construction-related parking (both on-site and off-site), and the interference of building construction with the safe and orderly operation of the Transportation Network, such measures to include the use of alternative modes of transport for employees and materials to and from the site; appropriate construction equipment, including use of a climbing crane; staggered hours for vehicular movement; traffic controllers to facilitate equipment and trucks entering and exiting the site; covered pedestrian walkways; alternative construction networks and construction planning; and restrictions of vehicular movement; (iii) designate a liaison between the Proposed Project, public agencies, and the surrounding residential and business communities; and (iv) include other related information deemed necessary to the effective review of the Construction Element. The plan shall comply with regulations that the Boston Redevelopment Authority may promulgate in accordance with Section 80-8 and, in the case of a Transportation Access Plan, with any regulations the Transportation Department may promulgate for such plans.
- (d) Monitoring Element. The Scoping Determination may require the Monitoring Element to: (i) describe provisions for the periodic re-evaluation of the effectiveness of mitigation measures, for a period not to exceed ten (10) years from the issuance of a building permit for the Proposed Project and not more frequently than annually; and (ii) include provisions for monitoring during the construction phase.

2. Environmental Protection Component. In its Scoping Determination, the Boston Redevelopment Authority shall require the Applicant to conduct studies that are necessary to determine the direct or indirect damage to the environment reasonably attributable to the Proposed Project. In conjunction with such studies, the Boston Redevelopment Authority shall require the Applicant to propose mitigation and design measures that are intended to mitigate, limit, or minimize, to the extent economically feasible, any direct or indirect damage to the environment reasonably attributable to the Proposed Project. Elements for which environmental studies and mitigation measures may be required include the following:
- (a) Wind. Information may be required that indicates the pedestrian-level wind impact of the Proposed Project. Wind tunnel or other appropriate means of testing may be required for any Proposed Project over one hundred fifty feet (150') in height, or any Proposed Project at least twice as tall as any adjacent building.
 - (b) Shadow. Information may be required that indicates the shadow impact of the Proposed Project, with particular emphasis on sidewalks, plazas, and other public open spaces. Shadow analyses may be required for build and no-build scenarios.
 - (c) Daylight. Information may be required that indicates the percentage of skydome obstructed for build and no-build scenarios.
 - (d) Solar Glare. An analysis of the solar glare impact and solar heat gain may be required.
 - (e) Air Quality. An evaluation of the impact on local air quality from any significant stationary or mobile sources may be required. For residential projects, an evaluation of ambient air quality may be required to determine conformance with the National Ambient Air Quality Standards established by the United States Environmental Protection Agency.
 - (f) Water Quality. An evaluation of the impact of the Proposed Project on the water quality of Boston Harbor or other affected water bodies may be required.
 - (g) Flood Hazard Districts/Wetlands. A graphic or narrative description of the Proposed Project's location with respect to flood hazard districts or wetlands may be required.

- (h) Groundwater. An analysis of the impact of construction on groundwater levels and resulting effects on surrounding structures, wooden piles, and foundations may be required.
 - (i) Geotechnical Impact. An analysis of sub-soil conditions, the potential for ground movement and settlement during construction, and the impact on adjacent buildings and utility lines may be required, as well as a description of foundation construction methodology.
 - (j) Solid and Hazardous Wastes. A description of any known toxic or hazardous wastes on or buried in the Proposed Project's site may be required, pursuant to the requirements of M.G.L. Chapter 21E. A description of waste generation by the Proposed Project, including hazardous wastes, may be required.
 - (k) Noise. A noise impact analysis to determine compliance with applicable city, state, and federal regulations may be required. For residential projects, an evaluation of ambient noise levels may be required to determine conformance with the Design Noise Levels established by the United States Department of Housing and Urban Development.
 - (l) Construction Impact. A description of the Proposed Project's construction impact on public safety from noise, dust, pollutant emissions, waste generation and disposal, and staging areas, may be required.
 - (m) Rodent Control. An analysis of the Proposed Project's construction impact on any city or state rodent control programs, and a description of how construction activities comply with any city or state regulatory requirements controlling the rodent population, may be required.
 - (n) Wildlife Habitat. A description of significant flora and fauna that are present on the site.
3. Urban Design Component. In its Scoping Determination, the Boston Redevelopment Authority shall require the Applicant to submit such plans, drawings, and specifications as are necessary for the Boston Redevelopment Authority to determine that the Proposed Project: (a) is architecturally compatible with surrounding structures; (b) exhibits an architectural concept that enhances the urban design features of the subdistrict in which it is located; (c) augments the quality of the pedestrian environment; and (d) is consistent with any established design guidelines that exist for the area in which the Proposed Project is located, as set forth in the underlying zoning and, if the Proposed Project is located in a

Planned Development Area, Urban Renewal Area, or Institutional Master Plan Area, as set forth in the PDA Development Plan, PDA Master Plan, land assembly and redevelopment plan, urban renewal plan, or Institutional Master Plan applicable to such area. Such design guidelines may relate to any planning area or district and may include, but need not be limited to, particular architectural requirements, including building massing, proportions, setbacks, materials, fenestration, ground level treatment, and other related architectural characteristics. At the request of the Applicant, the Urban Design Component may include the approval of a Comprehensive Sign Design, as provided for in Section 11-2.

4. Historic Resources Component. In its Scoping Determination, the Boston Redevelopment Authority shall require the Applicant to submit an analysis that sets forth measures intended to mitigate, limit, or minimize, to the extent economically feasible, any potential adverse effect that the Proposed Project may have on the historical, architectural, archaeological, or cultural resources of any district, site, building, structure, or object listed in the State Register of Historic Places. The Boston Redevelopment Authority may forward the Historic Resources Component to appropriate public agencies for their review, comment, and recommendations, including but not limited to, a statement as to whether the Proposed Project satisfies any regulatory requirements of such public agencies.
5. Infrastructure Systems Component. In its Scoping Determination, the Boston Redevelopment Authority shall require the Applicant to submit a description of the Proposed Project's anticipated water and electricity consumption, sewage generation, and energy requirements. The Applicant's submission shall include an evaluation of the Proposed Project's impact on the capacity and adequacy of existing water, sewerage, energy, and electrical utility systems, and the need reasonably attributable to the Proposed Project for additional systems facilities.
6. Site Plan Component. If a Proposed Project is located in a Conservation Protection Subdistrict (CPS) or a Greenbelt Protection Overlay District (GPOD), the Boston Redevelopment Authority, in its Scoping Determination, shall require the Applicant to submit a Site Plan. The Site Plan shall include each of the following elements, except to the extent waived by the Boston Redevelopment Authority, as determined in the Scoping Determination.
 - (a) A survey map prepared by a registered surveyor showing topography at two foot intervals, the location, caliper and species of individual trees of 6-inch caliper or more, the location of other significant natural features on the site, including water courses, water bodies, wetlands, unusual gradients and geologic formations, plant communities and

wildlife habitats. Such survey plan shall also show existing structures, parking areas, driveways and other paved surfaces, and utility lines.

- (b) Photographs showing the location and condition of significant natural features.
 - (c) A proposed site plan showing the Proposed Project and the anticipated location of other planned projects of the Applicant within the Conservation Protection Subdistrict or Greenbelt Protection Overlay District, together with planned grading and landscaping, streets, sidewalks, utilities, and other planned features of the site. Such site plan shall also show the extent to which significant natural features of the site will be preserved and protected.
 - (d) A drainage plan and soil report prepared by a registered engineer, when necessary, to assess the drainage impacts of the proposed site plan on significant natural features.
 - (e) A proposed maintenance program for the significant natural features of the site, including a statement of whose responsibility it will be for the performance of the maintenance program.
 - (f) Any other information relating to the site plan of the Proposed Project and the preservation and protection of its significant natural features as requested by the Boston Redevelopment Authority.
7. Tidelands Component. If a Proposed Project requires a license under M.G.L. Chapter 91, the Boston Redevelopment Authority, in its Scoping Determination, shall require the Applicant to submit an analysis of the Proposed Project together with such plans, drawings and specifications as are necessary for the Boston Redevelopment Authority to determine that the Proposed Project complies with the standards and requirements set forth in the underlying zoning with respect to compliance with M.G.L. Chapter 91 license requirements.
8. Development Impact Project Component. If a Proposed Project is a Development Impact Project within the meaning of Section 80B-7 (Development Impact Project Exactions), the Scoping Determination shall require the Applicant to submit the measurement of gross floor area required by Section 80B-7 for the calculation of the amount of the Housing Exaction and Jobs Contribution Exaction.

SECTION 80B-4. Standards for Large Project Review Approval. The Adequacy Determination issued pursuant to Section 80B-5 shall require compliance

with each component of the Scoping Determination and, if applicable, with the additional standards set forth in this Section 80B-4.

1. Projects in Planned Development Areas. If a Proposed Project is located in a Planned Development Area, the Proposed Project shall comply with any provisions of the underlying zoning that specify design or impact standards for Proposed Projects in Planned Development Areas.
2. Site Plan Component. If a Proposed Project is subject to the Site Plan Component, pursuant to Section 80B-3.6, the following standards shall apply with respect to such component:
 - (a) The Proposed Project should result in the minimum practicable interference with significant natural features consistent with development permitted by the applicable use and dimensional controls. To the extent thus consistent,
 - (i) elements of the Proposed Project should be sited away from the most significant natural features of the site; and
 - (ii) where it is necessary to disturb or reduce in area a significant wildlife habitat or plant community, reasonable restorative measures, or the replacement of such features elsewhere on the site, should be evaluated and undertaken if economically practicable. The preservation of existing vegetation is encouraged.
 - (b) Clustering of buildings and appropriate siting measures are encouraged to allow for the creation of larger contiguous open space areas, the preservation of significant natural features, and the arrangement of landscaping and structures on the site in a manner that is sensitive to the surrounding residential areas.
 - (c) For a steep slope, special consideration should be given to the preservation of scenic quality and to the prevention of hillside erosion and excessive runoff. Particular care should be taken where the steep slope area is part of the watershed of a creek, stream, brook, lake, pond or wetland. Existing vegetation in steep areas should not be removed, destroyed or damaged except pursuant to approved development and grading plans. An objective of such plans shall be to preserve the natural terrain and vegetation to the extent practicable by fitting street layouts and building designs to the natural terrain, and minimizing alterations of the natural grade.

- (d) Adequate provision should be made for proper management and maintenance of significant natural features and their immediate surroundings.
 - (e) In a Greenbelt Protection Overlay District, landscaping treatment should ensure that the natural and aesthetic quality of the Greenbelt Roadway area will be maintained. No vegetation shall be cleared within twenty-five (25) feet of the right-of-way of the Greenbelt Roadway except where necessary to provide utilities and access to the site, and all parking shall be screened by existing vegetation or installed landscaping so that the pavement and vehicles are screened from view from the Greenbelt Roadway and from adjacent properties.
 - (f) Site plan review in a Conservation Protection Subdistrict or Greenbelt Protection Overlay District shall take full account of reasonably foreseeable future development within the CPS or GPOD. To discourage the improper segmentation of Proposed Projects, a criterion for the review of a site plan shall be its consistency with any previously approved site plan of the Applicant, or any predecessor in interest of the Applicant, within the same CPS or GPOD.
3. Development Impact Projects. If a Proposed Project is a Development Impact Project within the meaning of Section 80B-7 (Development Impact Project Exactions), the Boston Redevelopment Authority shall issue an Adequacy Determination only if the Authority finds that the Proposed Project conforms to the general plan for the City as a whole and that nothing in such Proposed Project will be injurious to the neighborhood or otherwise detrimental to the public welfare.

↑SECTION 80B-5. Boston Redevelopment Authority Procedures for Large Project Review.

- 1. Pre-Review Planning Meeting. The Applicant is strongly encouraged to request a pre-review planning meeting with the Boston Redevelopment Authority. At the Applicant's request, the Boston Redevelopment Authority will schedule a pre-review planning meeting with the Applicant and staff to discuss issues that may be raised by a Proposed Project and identify any need for coordination with other Boston Redevelopment Authority review and with review by other public agencies.
- 2. Initiating the Large Project Review Process; Filing of Urban Design Plans; Coordination of Urban Design Component with Boston Civic Design Commission Review. The Applicant shall initiate the review required by this Article for Large Project Review by filing a Project Notification Form (PNF) in writing with the Boston Redevelopment Authority.

- (a) Time for Filing PNF. The Applicant should file the PNF in the Proposed Project's pre-schematic design phase.
- (b) Content of PNF. The PNF shall set forth in sufficient detail those aspects of the Proposed Project that are necessary to determine its potential or likely impacts. This information shall include, but is not necessarily limited to, the following, as appropriate:
 - (i) Program. A table of proposed uses, and the building area devoted to each;
 - (ii) Area photographs. Photographs of the site and its surroundings;
 - (iii) Site diagram. A plan locating proposed buildings and other improvements on the site, and showing existing buildings and improvements surrounding the site;
 - (iv) Massing diagram. Drawings, sketches, or photographs of a study-model illustrating the generalized three-dimensional form of the proposed project in the context of surrounding buildings;
 - (v) Floor plan diagrams. Sketches showing the general size and shape of each floor, and the use or uses associated with it;
 - (vi) Building section diagrams. Sketches showing the vertical arrangement of space in the building, the uses associated with each floor, and the height of the building elements, with existing nearby buildings also shown;
 - (vii) Preliminary zoning calculations. The proposed FAR, zoning height, setbacks, yard sizes, parking ratio, number of loading docks, and other significant elements.
 - (viii) Preliminary DIP information. If the Proposed Project is a Development Impact Project within the meaning of Section 80B-7 (Development Impact Project Exactions), based on any combination of uses and dimensions proposed in the PNF, the PNF shall include a preliminary measurement of the gross floor area required for calculating Development Impact Project Exactions under Section 80B-7.
- (c) Public Notice. After receiving the PNF, the Boston Redevelopment Authority shall publish notice of such receipt as required by

Section 80A-2. Copies of the PNF shall be distributed as required by Section 80A-3.

- (d) Filing of Urban Design Plans and Coordination of Urban Design Component with Boston Civic Design Commission Review. The Applicant is encouraged to discuss with the Authority's staff the Proposed Project's urban design and architectural concepts, and the schedule for submitting urban design plans for all phases of review, during any pre-review planning meeting held pursuant to subsection 1 of this Section 80B-5.
- (i) Submission of PNF to Boston Civic Design Commission. If a Proposed Project that is subject to Large Project Review, pursuant to Section 80B-2, comes within the design review jurisdiction of the Boston Civic Design Commission, pursuant to Section 28-5, the Boston Redevelopment Authority shall forward a copy of the PNF to the Design Commission within five (5) days after the Authority has received such PNF, so that the Design Commission may decide whether to review the Proposed Project.
- (ii) Filing and Approval of Urban Design Plans. The Applicant shall file with the Boston Redevelopment Authority, pursuant to this Section 80B-5.1(d), all plans, drawings, and specifications required for compliance with the Scoping Determination issued pursuant to subsection 3 of this Section 80B-5.
- (1) Schematic Design Plans. The Applicant should file schematic design plans with the Boston Redevelopment Authority as early as possible; provided that the Applicant shall file such plans no later than fifteen (15) days prior to filing the Draft Project Impact Report, pursuant to subsection 4 of this Section 80B-5.

If the Boston Civic Design Commission has decided to review the Proposed Project, pursuant to Section 28-14, the Authority shall forward copies of the schematic design plans to the Design Commission within five (5) days after the Authority has received such plans. The Boston Redevelopment Authority shall obtain the Applicant's consent before granting any extension, pursuant to Section 28-14, for the Design Commission's review of the schematic design, and the total of such extensions shall not exceed thirty (30) days, notwithstanding any contrary provision of Section 28-14.

The Authority shall approve or conditionally approve the schematic design plans within the time set forth in subsection 5(c) (Adequacy Determination), or within any earlier period set forth in subsection 3(d) (Scoping Determination Waiving Further Review) or subsection 4(c)(iv) (PAD Waiving Further Review) of this Section 80B-5, if applicable.

- (2) Design Development Plans and Contract Documents. The Applicant may file design development plans at any time after the Boston Redevelopment Authority has approved, or conditionally approved, the schematic design plans and may file contract documents at any time after the Authority has approved, or conditionally approved, the design development plans.

The filing and approval of design development plans and contract documents may occur subsequent to the filing of any FPIR or issuance of any Adequacy Determination for Large Project Review; provided that the Applicant shall file the contract documents with the Authority no later than fifteen (15) days prior to the Authority's receipt of the complete building permit application required for a Certification of Compliance, pursuant to Section 80B-6.1.

- (e) Filing of Proposed Scoping Determination. At any time before the Boston Redevelopment Authority's issuance of a Scoping Determination, pursuant to subsection 3 of this Section 80B-5, the Applicant may file a proposed Scoping Determination for the Boston Redevelopment Authority to consider in developing its Scoping Determination.

3. Scoping Determination. The Boston Redevelopment Authority shall issue a written Scoping Determination setting forth in sufficient detail those elements of the Proposed Project described in the PNF that the Applicant must study, analyze, and mitigate. The issues that the Scoping Determination may require are set forth in Section 80B-3 (Scope of Review; Content of Reports). The Scoping Determination also may set forth any modifications to the schedule and document requirements set forth in this Article 80 that the Boston Redevelopment Authority may allow pursuant to Section 80-6 (Coordination of Review Procedures) or Section 80A-4.3 (Special Impact Projects: Designation and Review Schedule).

- (a) Time for Issuance of Scoping Determination. The Boston Redevelopment Authority shall issue the Scoping Determination no

later than forty-five (45) days after the Boston Redevelopment Authority has received the PNF.

If the Boston Redevelopment Authority has not issued the Scoping Determination within forty-five (45) days after its receipt of the PNF, the Boston Redevelopment Authority shall consider any proposed Scoping Determination filed by the Applicant pursuant to paragraph (e) of Section 80B-5.2. If the Boston Redevelopment Authority fails to accept or amend such proposed Scoping Determination within twenty-one (21) days after its receipt thereof, or within twenty-one (21) days after the date on which the Boston Redevelopment Authority's Scoping Determination was required to be issued, whichever is later, the Applicant's proposed Scoping Determination shall be deemed accepted.

- (b) Public Comments. Public comments, including the comments of public agencies, shall be transmitted in writing to the Boston Redevelopment Authority within thirty (30) days after publication of notice of the PNF, pursuant to Section 80A-2.
- (c) Scoping Session. Prior to issuing the Scoping Determination, the Boston Redevelopment Authority shall invite the Applicant and the City's public agencies to attend a scoping session with Boston Redevelopment Authority staff. The Boston Redevelopment Authority shall give notice of the scoping session to the City's public agencies pursuant to Section 80A-2. In addition, to aid inter-agency coordination and encourage identification of issues early in the review process, the Applicant may invite to the scoping session any other public agencies the Applicant believes may have occasion to review the Proposed Project.
- (d) Scoping Determination Waiving Further Review. If the Scoping Determination indicates that the PNF, together with any additional materials and comments received by the Boston Redevelopment Authority prior to the issuance of the Scoping Determination, adequately describes the impacts of the Proposed Project, the Scoping Determination may waive the requirements of both subsection 4 and subsection 5 of this Section 80B-5 for the filing and review of a Draft Project Impact Report (DPIR) and a Final Project Impact Report (FPIR). In such case, the Scoping Determination also shall include any conditions the Authority may require for the mitigation of such impacts.

If a Scoping Determination waives the requirements of further review, pursuant to this paragraph (d) of Section 80B-5.3, such

Scoping Determination shall not become final until nineteen (19) days after the date on which the Boston Redevelopment Authority issues such Scoping Determination. Such Scoping Determination shall invite public comments concerning any conditions the Authority may require, pursuant to this paragraph (d), for the mitigation of the Proposed Project's impacts. To afford the public the opportunity to offer such comments, the Boston Redevelopment Authority shall publish notice of the issuance of such Scoping Determination in the manner provided in Section 80A-2.3 (Publication of Notice). Such notice shall indicate that any public comments submitted pursuant to this paragraph (d) shall be submitted in writing to the Boston Redevelopment Authority within fourteen (14) days after the date on which the Scoping Determination was issued and shall be based on significant new information not submitted during the public comment period or scoping session required by paragraphs (b) and (c) of this Section 80B-5.3.

The Boston Redevelopment Authority shall consider any comments received in accordance with this paragraph (d) and may modify the Scoping Determination to add, delete, or modify the conditions set forth therein, provided that any such changes shall be made no later than the date on which the Scoping Determination becomes final, pursuant to this paragraph (d).

If a Proposed Project is a Development Impact Project within the meaning of Section 80B-7 (Development Impact Project Exactions), the Boston Redevelopment Authority shall hold a public hearing, for which it shall publish notice pursuant to Section 80A-2, prior to issuing the Scoping Determination or executing any agreement required by Section 80B-7.3.

If a Proposed Project comes within the review jurisdiction of the Boston Civic Design Commission, pursuant to Section 28-5, a Scoping Determination that waives the requirements of this Section 80B-5 for the filing of a DPIR or FPIR, pursuant to this paragraph (d), may nonetheless provide for further review and approval of the Proposed Project's schematic design plans; provided that the Boston Redevelopment Authority's decision regarding such schematic design plans shall occur no more than five (5) days following the earliest of: (a) the Authority's receipt of recommendations from the Design Commission, (b) the Authority's receipt of a decision by the Design Commission not to review the Proposed Project, or (c) the expiration of the time allowed for the Design Commission to submit recommendations to the Authority, pursuant to Section 28-14.

4. Draft Project Impact Report and Preliminary Adequacy Determination.

- (a) Draft Project Impact Report. After the issuance of the Scoping Determination, the Applicant shall prepare a Draft Project Impact Report (DPIR) that meets the requirements of the Scoping Determination by detailing the Proposed Project's impacts and proposed measures to mitigate, limit, or minimize such impacts. The Draft Project Impact Report shall contain the information necessary to meet the specifications of Section 80B-3 (Scope of Review; Content of Reports) and Section 80B-4 (Standards for Large Project Review Approval), as required by the Scoping Determination. The Applicant shall file the Draft Project Impact Report with the Boston Redevelopment Authority.
- (b) Public Notice and Comment. After receiving the DPIR, the Boston Redevelopment Authority shall publish notice of such receipt as required by Section 80A-2. The Applicant shall distribute copies of the DPIR as required by Section 80A-3. Public comments, including the comments of public agencies, shall be transmitted in writing to the Boston Redevelopment Authority no later than fifteen (15) days prior to the date by which the Boston Redevelopment Authority must issue the Preliminary Adequacy Determination.
- (c) Preliminary Adequacy Determination. Based on its review of the DPIR and public comments, the Boston Redevelopment Authority shall issue a written Preliminary Adequacy Determination. The Preliminary Adequacy Determination shall indicate the additional steps necessary for the Applicant to satisfy the requirements of the Scoping Determination, including any modification of the Scoping Determination that the Boston Redevelopment Authority may require pursuant to this subsection (c) of Section 80B-5.4.
 - (i) Time for Issuance of Preliminary Adequacy Determination. After its receipt of the DPIR, the Boston Redevelopment Authority shall issue its Preliminary Adequacy Determination within the following number of days:
 - (1) For: (a) a Proposed Project with a gross floor area of 50,000 to 99,999 square feet located outside the Harborpark; and (b) a Proposed Project of any size in an Economic Development Area, provided that the proposed uses are allowed as of right in the proposed location: forty-five (45) days.

- (2) For: (a) a Proposed Project with a gross floor area of 100,000 to 499,999 square feet located outside the Harborpark; and (b) a Proposed Project with a gross floor area of less than 100,000 square feet located within the Harborpark: sixty (60) days.
- (3) For: (a) Proposed Project with a gross floor area of 500,000 or more square feet located outside the Harborpark; and (b) a Proposed Project with a gross floor area of 100,000 or more square feet located within the Harborpark: ninety (90) days.

If the Authority has not issued a Preliminary Adequacy Determination within the time period specified in this Section 80B-5.4(c)(i), including any extension of time allowed under Section 80A-4.2, the Applicant may submit a Final Project Impact Report, pursuant to Section 80B-5.5, which submission will begin the review period for the FPIR required by said Section 80B-5.5.

- (ii) Compliance with Scoping Determination. The Preliminary Adequacy Determination shall indicate which components of the Draft Project Impact Report are sufficient to meet the requirements of the Scoping Determination and which, if any, are not. If any components are inadequate, the Preliminary Adequacy Determination shall indicate the further steps necessary for the Applicant to satisfy the requirements of the Scoping Determination, as it may be modified by paragraph (iii) of this subsection (c).
- (iii) Amendment of Scoping Determination. If the Boston Redevelopment Authority's review of the Draft Project Impact Report and public comments (including the comments of public agencies) reveals negative impacts that were not anticipated in the Scoping Determination and that are within the scope of Large Project Review, the Boston Redevelopment Authority may require that the Applicant study additional issues, consider further mitigation measures, or investigate new alternatives for the scale of the Proposed Project. If, upon such review, the Boston Redevelopment Authority finds that any requirement of the Scoping Determination is no longer necessary or germane to the review of the Proposed Project, the Boston Redevelopment Authority may eliminate any such requirement from further consideration.

- (iv) PAD Waiving Further Review. If the Preliminary Adequacy Determination indicates that all components of the Draft Project Impact Report are sufficient to meet the requirements of the Scoping Determination, the Boston Redevelopment Authority may waive the requirements of subsection 5 of this Section 80B-5 for the filing and review of a Final Project Impact Report. In such case, the Preliminary Adequacy Determination shall include any conditions the Authority may require for the mitigation of the impacts identified by the DPIR.

If a Preliminary Adequacy Determination waives the requirements of further review, pursuant to this paragraph (c)(iv) of Section 80B-5.4, such Preliminary Adequacy Determination shall not become final until nineteen (19) days after the date on which the Boston Redevelopment Authority issues such Preliminary Adequacy Determination. Such Preliminary Adequacy Determination shall invite public comments concerning any conditions the Authority may require in Preliminary Adequacy Determination, pursuant to this paragraph (c)(iv), for the mitigation of the Proposed Project's impacts. To afford the public the opportunity to offer such comments, the Boston Redevelopment Authority shall publish notice of the issuance of such Preliminary Adequacy Determination in the manner provided in Section 80A-2.3 (Publication of Notice). Such notice shall indicate that any public comments submitted pursuant to this paragraph (c)(iv) shall be submitted in writing to the Boston Redevelopment Authority within fourteen (14) days after the date on which the Preliminary Adequacy Determination was issued and shall be based on significant new information not submitted during the public comment period or scoping session required by subsections (b) and (c) of this Section 80B-5.4.

The Boston Redevelopment Authority shall consider any comments received in accordance with this paragraph (c)(iv) and may modify the Preliminary Adequacy Determination to add, delete, or modify the conditions set forth therein, provided that any such changes shall be made no later than the date on which the Preliminary Adequacy Determination becomes final, pursuant to this paragraph (c)(iv).

If a Proposed Project is a Development Impact Project within the meaning of Section 80B-7 (Development Impact Project Exactions), the Boston Redevelopment Authority shall hold a public hearing, for which it shall publish notice pursuant

to Section 80A-2, prior to issuing the Preliminary Adequacy Determination or executing any agreement required by Section 80B-7.3.

If a Proposed Project comes within the review jurisdiction of the Boston Civic Design Commission, pursuant to Section 28-5, a Preliminary Adequacy Determination that waives the requirements of this Section 80B-5 for the filing of an FPIR, pursuant to this paragraph (c)(iv), may nonetheless provide for further review and approval of the Proposed Project's schematic design plans; provided that the Boston Redevelopment Authority's decision regarding such schematic design plans shall occur no more than five (5) days following the earlier of: (a) the Authority's receipt of recommendations from the Design Commission, or (b) the expiration of the time allowed for the Design Commission to submit recommendations to the Authority, pursuant to Section 28-14.

5. Final Project Impact Report and Adequacy Determination.

- (a) Final Project Impact Report. After the issuance of the Preliminary Adequacy Determination, the Applicant shall prepare a Final Project Impact Report (FPIR) that satisfies the requirements of the Scoping Determination, including any modifications or specifications set forth in the Preliminary Adequacy Determination. The Applicant shall file the Final Project Impact Report with the Boston Redevelopment Authority.
- (b) Public Notice and Comment. After receiving the FPIR, the Boston Redevelopment Authority shall publish notice of such receipt as required by Section 80A-2. The Applicant shall distribute copies of the FPIR as required by Section 80A-3. Public comments on the Final Project Impact Report, including the comments of public agencies, shall be transmitted in writing to the Boston Redevelopment Authority no later than fifteen (15) days prior to the date on which the Boston Redevelopment Authority must issue the Adequacy Determination.
- (c) Adequacy Determination. The Boston Redevelopment Authority shall issue a written Adequacy Determination within the same number of days, after the Authority's receipt of the FPIR, as required for issuance of a Preliminary Adequacy Determination, pursuant to subsection 4(c)(i) of this Section 80B-5. If a Proposed Project described in the FPIR is a Development Impact Project within the meaning of Section 80B-7, the Boston Redevelopment Authority shall

hold a public hearing, for which it shall publish notice pursuant to Section 80A-2, prior to issuing its Adequacy Determination or executing any agreement required by Section 80B-7.3.

In issuing the Adequacy Determination, the Boston Redevelopment Authority shall approve, conditionally approve, or disapprove the Final Project Impact Report.

If a Proposed Project comes within the review jurisdiction of the Boston Civic Design Commission, pursuant to Section 28-5, and the Design Commission has decided to review such Proposed Project, the Adequacy Determination shall provide that, notwithstanding any contrary provision of this subsection 5(c), the Boston Redevelopment Authority's decision regarding the Proposed Project's schematic design plans shall occur no more than five (5) days after the earlier of: (a) the Authority's receipt of recommendations from the Design Commission, or (b) the expiration of the time allowed for the Design Commission to submit recommendations to the Authority, pursuant to Section 28-14.

If the Adequacy Determination disapproves the Final Project Impact Report, it shall provide specific reasons for the disapproval, setting forth the areas in which the Final Project Impact Report is at variance with the requirements of the Scoping Determination, as it may have been modified by the Preliminary Adequacy Determination. An Adequacy Determination that conditionally approves a Proposed Project, or that disapproves a Proposed Project, may require additional information, studies, and mitigation measures, provided that such requirements are within the breadth of the Scoping Determination, as it may have been modified by the Preliminary Adequacy Determination.

6. Revision of Final Project Impact Report. If the Adequacy Determination disapproves the Final Project Impact Report, the Applicant shall revise the FPIR before resubmitting it to the Boston Redevelopment Authority. The revised and resubmitted FPIR shall be reviewed in the manner, and subject to the requirements, set forth in subsection 5 (Final Project Impact Report and Adequacy Determination) of this Section 80B-5.

(↑As amended on December 6, 1997.)

SECTION 80B-6. Enforcement: Certification of Compliance for Large Project Review. The Commissioner of Inspectional Services shall not issue any building permit for any Proposed Project that is subject to Large Project Review, pursuant to Section 80B-2 (Applicability of Review), unless the Director of the Boston

Redevelopment Authority has issued a Certification of Compliance pursuant to this Section 80B-6. A Certification of Compliance shall meet the following requirements:

1. Procedure. The Applicant shall transmit to the Boston Redevelopment Authority a copy of the building permit application, including each plan, drawing, and specification to be filed in connection therewith.

Within thirty (30) days after the Boston Redevelopment Authority has received the complete building permit application, the Director of the Boston Redevelopment Authority shall issue a Certification of Compliance, pursuant to this Section 80B-6, or a finding of noncompliance. A finding of noncompliance shall specify the reasons for the finding.

2. Findings. The Director of the Boston Redevelopment Authority shall issue a Certification of Compliance pursuant to this Section 80B-6 if, and only if, the Director finds that the Proposed Project complies: (a) with the terms of the Adequacy Determination issued pursuant to Section 80B-5.5 and the agreements executed pursuant thereto, or with the conditions of any Scoping Determination or Preliminary Adequacy Determination waiving further review, pursuant to subsection 3(d) or subsection 4(c)(iv) of Section 80B-5; and (b) to the extent applicable, with the provisions of:

- (i) Section 80B-7: Development Impact Project Exactions;
- (ii) Section 80B-8: Disclosure of Beneficial Interests;
- (iii) Section 80C-8: Planned Development Area Review: Certifications;
- (iv) Section 80D-10: Institutional Master Plan Review: Certification of Consistency;
- (v) Article 27: Interim Planning Overlay District; and
- (vi) Article 28: Boston Civic Design Commission.

SECTION 80B-7. Development Impact Project Exactions.

1. Purposes of Development Impact Project Exactions.
 - (a) Purposes of Housing Exaction. The purposes of the Housing Exaction requirement for Development Impact Projects, as set forth in Section 80B-7, are: to prevent overcrowding and deterioration of existing housing; to preserve and increase the City's housing amenities; to facilitate the adequate provision of low and moderate

income housing; and to establish a balance between new large-scale real estate development projects and the low and moderate income housing needs of the City of Boston. The Housing Exaction requirement is designed to mitigate the impacts of large-scale real estate development on the available supply of low and moderate income housing and increase the availability of such housing by requiring developers of Development Impact Projects, as a condition of the grant of Zoning Relief, to make a development impact payment to the Neighborhood Housing Trust or to contribute to the creation of low and moderate income housing.

- (b) Purposes of Jobs Contribution Exaction. The purpose of the Jobs Contribution Exaction requirement for Development Impact Projects, as set forth in Section 80B-7, is to mitigate the adverse impacts of new large-scale real estate development projects by providing for related job training for low and moderate income people. The City has found that, because new commercial uses are more capital intensive and less land intensive than industrial uses, land for such commercial uses commands a higher price per acre than industrial uses, contributing to the decline of the manufacturing sector and related employment. To mitigate this impact, job training programs are needed to enable workers to compete for new non-manufacturing jobs. The Jobs Contribution Exaction requirement is designed to increase the opportunities for job training for low and moderate income people by requiring developers, as a condition of the grant of Zoning Relief, to make a development impact payment to the Neighborhood Jobs Trust or to create or expand job training programs.

- 2. Definitions. For the purposes of this Section 80B-7 only, the following words and phrases shall have the meanings indicated:

- (a) "Development Impact Project," means a Proposed Project that:
 - (i) requires Zoning Relief; and
 - (ii) proposes to include one or more Development Impact Uses occupying an aggregate gross floor area of more than one hundred thousand (100,000) square feet; and
 - (iii) proposes to: (i) erect a structure or structures having a total gross floor area of more than one hundred thousand (100,000) square feet; (ii) enlarge or extend a structure or structures so as to increase its (or their) gross floor area by more than one hundred thousand (100,000) square feet; or (iii) substantially

rehabilitate a structure or structures having, or to have after rehabilitation, a gross floor area of more than one hundred thousand (100,000) square feet.

For the purposes of the definition of Development Impact Project:

- (i) The measurement of gross floor area excludes all accessory parking garage space.
- (ii) "Substantially rehabilitate" has the meaning set forth in Article 2A.
- (iii) "Development Impact Project" does not include any building or structure that is, or will be, wholly-owned by one or more public agencies.
- (b) "Development Impact Project Exaction," means the Housing Exaction specified in subsection 4, and the Jobs Contribution Exaction specified in subsection 5, of this Section 80B-7.
- (c) "Development Impact Use," means any of the following uses, as defined in Article 2A for Proposed Projects in those zoning districts to which Article 2A applies, and as described in Table A of Section 8-7 and defined in Article 2 for Proposed Projects in all other zoning districts:

<u>Uses</u>	<u>Use Item Numbers</u>
(a) Office	39, 39A, 40, 41, 42
(b) Retail Business; Service	30, 31, 32, 34, 34A, 35, 36, 36A, 37, 37A, 38, 38A, 43, 44, 45, 46, 47, 48, 49, 60, 60A, 61
(c) Institutional; Educational	16, 16A, 18, 19, 20, 20A, 21, 22, 22A, 23, 24, 29
(d) Hotel; Motel	15 (excluding apartment hotel)
(e) Other use for purposes of Housing Exaction required by this Section 80D-7: Any use not specifically listed in the definition of Development Impact Use, if the Proposed Project for such use will result directly in a reduction in the supply of low and moderate income dwelling units, as determined by the Boston Redevelopment Authority.	

- (d) "Neighborhood Housing Trust," means a Massachusetts public charitable trust created under the authority of Chapter 371 of the Acts of 1987 and the laws of the Commonwealth of Massachusetts and administered pursuant to a Declaration of Trust dated November 19, 1985 and pursuant to an Ordinance Establishing the Neighborhood Housing Trust passed by the City Council on May 21, 1986 and approved by the Mayor of Boston on July 6, 1986, or another trust created or administered for such purpose, if passed by the City Council and approved by the Mayor.
 - (e) "Neighborhood Jobs Trust," means a Massachusetts public charitable trust created under the authority of Chapter 371 of the Acts of 1987 and the laws of the Commonwealth of Massachusetts and administered pursuant to a Declaration of Trust dated November 19, 1985 and pursuant to an Ordinance Establishing the Neighborhood Jobs Trust passed by the City Council on August 19, 1987 and approved by the Mayor of Boston on September 8, 1987, or another trust created or administered for such purpose, if passed by the City Council and approved by the Mayor.
3. Requirement of Development Impact Project Exaction. No Zoning Relief shall be granted, allowed, or adopted for a Development Impact Project unless the Applicant for such Zoning Relief has entered into an agreement with the Boston Redevelopment Authority to meet the Development Impact Project Exaction requirements of this Section 80B-7.
- (a) Housing Exaction. For each Development Impact Use within the Proposed Project, a Housing Exaction shall be required. The Housing Exaction requirement may be met by: (i) payment of a Housing Contribution Grant according to the formula (including the amount and payment schedule), and in the manner, specified in this Section 80B-7; or (ii) the creation of housing units in compliance with the requirements for the Housing Creation Option, as specified in subsection 4(b) of this Section 80B-7; or (iii) a combination of payments and creation of housing units, where such combination meets the requirements of subsection 4 of this Section 80B-7. The Applicant may select the method for meeting the Housing Exaction requirement of this paragraph (a) of Section 80B-7.3; provided that any proposal for the creation of housing units shall be approved pursuant to the requirements for the Housing Creation Option.
 - (b) Jobs Contribution Exaction. For each Development Impact Use within the Proposed Project, a Jobs Contribution Exaction shall be required. The Jobs Contribution Exaction requirement may be met by: (i) payment of a Jobs Contribution Grant according to the formula

(including the amount and payment schedule), and in the manner, specified in this Section 80B-7; or (ii) the creation of a job training program in compliance with the requirements for the Jobs Creation Option, as specified in subsection 5(b) of this Section 80B-7; or (iii) a combination of payments and creation of a job training program, where such combination meets the requirements of subsection 5 of this Section 80B-7. The Applicant may select the method for meeting the Jobs Contribution Exaction requirement of this paragraph (b) of Section 80B-7.3; provided that any proposal for the creation of a job training program shall be approved pursuant to the requirements for the Jobs Creation Option.

4. Housing Exaction.

(a) Housing Contribution Grant.

- (i) Amount of Grant. Payment of a Housing Contribution Grant shall be required in the amount of five dollars (\$5.00) for each square foot of gross floor area in excess of one hundred thousand (100,000) square feet that is occupied by a Development Impact Use, as defined in this Section 80B-7.
- (ii) Allocation of Grant. No less than ten percent (10%) of any Housing Contribution Grant made for Proposed Projects located in the area described in Appendix B to this Article, and twenty percent (20%) of any Housing Contribution Grant made for Proposed Projects located outside such area, shall be reserved for use in the area surrounding the Proposed Project that is directly affected by the housing impacts of the Proposed Project, as that area is set forth in the agreement required pursuant to Section 80B-7.3, provided that the Neighborhood Housing Trust finds that proposals for feasible housing projects can be developed in such area.
- (iii) Payment Schedule. The Housing Contribution Grant shall be made according to the following payment schedule:
 - (1) General Payment Schedule. Except as otherwise provided in subparagraph (2) of this paragraph (iii), the Housing Contribution Grant shall be made in twelve (12) equal annual installments. The first installment shall be due and payable upon the issuance of a certificate of occupancy for the Proposed Project, or twenty-four (24) months after the issuance of a building permit for the Proposed Project, whichever comes first. The remaining eleven (11)

installments shall be due and payable annually on the anniversary of the first payment.

- (2) Special Downtown Payment Schedule. For each Proposed Project located within that area depicted and described in Appendix B to this Article, the Housing Contribution Grant shall be made in seven (7) equal annual installments. The first installment shall be due and payable upon the issuance of a building permit for the Proposed Project. The remaining six (6) installments shall be due and payable annually on the anniversary of the first payment. Where a boundary set forth in Appendix B divides a Development Impact Project, the payment schedule set forth in this subparagraph (iii)(2) of Section 80B-7.4(a) shall apply.

- (b) Housing Creation Option. The Housing Creation Option shall be met by creating, or causing to be created, housing units for occupancy exclusively by low and moderate income residents of the City, at a cost at least equivalent to the amount of the Housing Contribution Grant, and in conformity with written regulations adopted by the Boston Redevelopment Authority after public notice and hearing. The actual Housing Creation Contribution may be approved by the Authority only after public notice and hearing.

For purposes of the Housing Creation Option, "low and moderate income residents" shall mean those households, located in the City, whose total annual income is not more than eighty percent (80%) of the median income for the Boston area as set forth in regulations promulgated from time to time by the United States Department of Housing and Urban Development pursuant to the Housing and Community Development Act of 1974, as amended.

5. Jobs Contribution Exaction.

(a) Jobs Contribution Grant.

- (i) Amount of Grant. Payment of a Jobs Contribution Grant shall be required in the amount of one dollar (\$1.00) for each square foot of gross floor area in excess of one hundred thousand (100,000) square feet that is occupied by a Development Impact Use, as defined in this Section 80B-7.
- (ii) Allocation of Grant. No less than twenty percent (20%) of any Jobs Contribution Grant shall be reserved for use in the area

surrounding the Proposed Project, as that area is set forth in the agreement required pursuant to Section 80B-7.3.

(iii) Payment Schedule. The Jobs Contribution Grant shall be made to the Neighborhood Housing Trust in two (2) equal annual installments, the first installment due upon the issuance of a building permit for the Proposed Project. The remaining payment of the Jobs Contribution Grant shall be due and payable on the one year anniversary of the first installment.

(b) Jobs Creation Option. Upon approval by the Director of the Mayor's Office of Jobs and Community Services, or any successor office thereto, the Applicant may use the Jobs Contribution Grant to create a job training program for workers who will be employed, on a permanent basis, at the Proposed Project.

6. Other Requirements for Payment of Exactions.

(a) Payments to Trust. All payments made pursuant to the Housing Exaction requirement and the Jobs Contribution Exaction requirement of this Section 80B-7 shall be made to the Collector-Treasurer, as the managing trustee of the Neighborhood Housing Trust, or as the managing trustee of the Neighborhood Jobs Trust, as the case may be, for the exclusive benefit of the Neighborhood Housing Trust and the Neighborhood Jobs Trust, respectively.

(b) Measurement of Area of Development Impact Uses. In calculating the amount of the Housing Exaction and the Jobs Contribution Exaction required pursuant to this Section 80B-7, the measurement of gross floor area shall include the area of all uses that are accessory or ancillary to the Development Impact Uses of the Proposed Project, except that such area shall not include the area of accessory parking garage space. For Proposed Projects containing more than one Development Impact Use, the gross floor area for the calculation of the amount of the Housing Exaction and the Jobs Contribution Exaction shall be the aggregate gross floor area devoted to such uses, including their accessory and ancillary uses.

(c) Recalculation of Payment Formula. The formulas (comprising the amounts and rates of payment) for the Housing Contribution Grant and the Jobs Contribution Grant shall be subject to recalculation three (3) years after the effective date of this Article, and every three (3) years thereafter. The Boston Redevelopment Authority, after public notice and hearing, shall make a recommendation to the Zoning

Commission, when appropriate, to amend such formulas, based on a consideration of the following criteria:

- (i) Economic trends, measured in terms including, but not limited to, development activity, commercial rents per square foot, employment growth, and inflation rates.
- (ii) Housing trends, measured in terms including, but not limited to, vacancy rates for low and moderate income housing, and production statistics for new dwelling units.
- (iii) Employment trends, measured in terms including, but not limited to, unemployment rates and statistics on job training programs. The purpose of this analysis is to determine the changes in the City's employment training needs and the continuing ability of new large-scale development to assist in meeting those needs.

No such amended formula shall apply to any Housing Contribution Grant or Jobs Contribution Grant for which a Development Impact Project agreement has been entered into with the Boston Redevelopment Authority prior to the effective date of such amendment.

SECTION 80B-8. Disclosure of Beneficial Interests in Large Projects.

1. Purposes of Requirements for Disclosure of Beneficial Interests. The purposes of the disclosure requirements of this Section 80B-8 include, without limitation, the following: (a) to inform public decision-makers and the public at large of the identity of, and extent of the interest held by, all persons having any beneficial interest in significant development projects that are subject to review and approval by the Boston Redevelopment Authority, the Zoning Commission, or the Board of Appeal, in order to improve municipal land use decisions and foster public understanding of, and trust in, such review and approval processes; and (b) to provide a process under which officials making land use decisions can identify and avoid conflicts of interest.
2. Applicability. This Section 80B-8 shall apply to any Proposed Project that requires Zoning Relief and that falls into any of the following categories:
 - (a) construction of a building or structure having a gross floor area of one hundred thousand (100,000) or more square feet;

- (b) enlargement or extension of a building or structure so as to increase its gross floor area by one hundred thousand (100,000) or more square feet; or
 - (c) establishment or change of the uses of a gross floor area of one hundred thousand (100,000) or more square feet.
- 3. Definitions. For the purposes of this Section 80B-8 only, the following words and phrases shall have the meanings indicated:
 - (a) "Applicant" means any Person having a Beneficial Interest in a Proposed Project subject to the provisions of this article or the authorized agent of any such Person.
 - (b) "Beneficial Interest" means any legal or equitable direct or indirect ownership interest, whether as an individual or through a partnership, corporation, trust, or other legal entity, or otherwise, or a contractual right to any such ownership interest, whether or not contingent, other than a mortgage in favor of or a commitment, standby or otherwise, for mortgage financing, from: (i) a corporation, partnership, or trust, the stock of which is listed for sale to the public with the Securities and Exchange Commission or with a comparable regulatory body in a foreign country; (ii) a mutual insurance company or other entity owned by its policy holders; or (iii) a pension fund or other employee benefit plan; or (iv) an insurance company, bank, or other entity subject to control, regulation, or examination by any state or federal regulatory agency or by a comparable regulatory body in a foreign country.
 - (c) "Disclosure Statement" means the statement required by Section 80D-8.4.
 - (d) "Person" means an individual, partnership, corporation, trust, or other legal entity.
- 4. Disclosure Statements of Persons Having Beneficial Interests in Proposed Projects.
 - (a) Disclosure of Beneficial Interests in Proposed Projects. The Zoning Commission and Board of Appeal may grant Zoning Relief for a Proposed Project that is subject to this Section 80B-8 only if the Applicant for such Proposed Project has filed a statement (the "Disclosure Statement"), signed under penalties of perjury, with the City Clerk, with the Secretary of the Boston Redevelopment Authority, with the Secretary of the Zoning Commission in instances in which

the Zoning Commission will act on an application for Zoning Relief, and with the Executive Secretary of the Board of Appeal in instances in which the Board of Appeal will act on an application for Zoning Relief, for the Proposed Project.

The Disclosure Statement shall disclose: (i) the true names and addresses of all Persons who have a Beneficial Interest in the Proposed Project, the amount of their Beneficial Interest accurate to within one-tenth of one percent if such interest exceeds one percent (1%); and (ii) for the initial Disclosure Statement only (unless such initial Disclosure Statement is subsequently modified), the names and addresses of all firms and professional corporations employed as attorneys, real estate brokers, architects, engineers, planners, or surveyors, and all other agents who have acted on behalf of any of the foregoing with respect to the application for the Zoning Relief, provided that the disclosure of the names and addresses of such firms and professional corporations shall not be required if the compensation for acting on behalf of the application for the Zoning Relief is less than fifty thousand dollars (\$50,000).

The provisions of this paragraph (a) of Section 80D-8.4 shall not apply to:

- (i) owners of 10% or less of the ownership interest in: (1) a corporation, partnership, or trust, the stock of which is listed for sale to the public with the Securities and Exchange Commission or with a comparable regulatory body in a foreign country; (2) a mutual insurance company or other entity owned by its policy holders; (3) an insurance company, bank, or other entity subject to control, regulation, or examination by any state or federal regulatory agency or by a comparable regulatory body in a foreign country;
 - (ii) shareholders of a limited equity or nonprofit housing cooperative;
 - (iii) a pension fund or other employee benefit plan; and
 - (iv) any other entity that may be deemed to be exempt by regulations adopted by the Boston Redevelopment Authority from time to time, pursuant to Section 80-8.
- (b) Form of Disclosure Statement. The Disclosure Statement shall be substantially in the form shown in Appendix C to this Article. If the Applicant filing the Disclosure Statement is a corporation, the

Disclosure Statement shall be signed by a duly authorized officer thereof.

- (c) Circulation of Disclosure Statement. Once filed by the Applicant, the Disclosure Statement shall be circulated to all members of the Zoning Commission, Board of Appeal, and Boston Redevelopment Authority who are eligible to vote upon the application for Zoning Relief. The Disclosure Statement shall be circulated by the secretary of each such public agency, provided that the failure of any such secretary to circulate the Disclosure Statement as provided herein shall not affect the validity of any Zoning Relief nor subject the Applicant to the penalties set forth in subsection 7 of this Section 80B-8.
- 5. Public Records. The City Clerk shall make all Disclosure Statements required by this Section 80B-8 available to the public upon request.
- 6. Updating Disclosure Statements. If at any time during the period of seven (7) years from the date of the first filing of a Disclosure Statement pursuant to this Section 80B-8 there is a significant change in the identity of Persons having a Beneficial Interest in the Proposed Project, as disclosed in the previous Disclosure Statement filed, the Applicant shall file with the City Clerk and the Secretary of the Boston Redevelopment Authority an updated Disclosure Statement within thirty (30) days after such change has occurred. The updated Disclosure Statement shall contain all the information required by subsection 4 of this Section 80B-8 and shall specifically identify the differences in such information from that provided in the immediately preceding Disclosure Statement filed in connection with such Proposed Project.
- 7. Penalties.
 - (a) Failure to File Updated Disclosure Statement. If the Applicant of a Proposed Project that has received Zoning Relief fails subsequently to file an updated Disclosure Statement as required by subsection 6 of this Section 80B-8, the Commissioner of Inspectional Services may take any action provided in law or equity to enforce the provisions of this Section 80B-8.
 - (b) Falsification of Disclosure Statement. Any Person who willfully files a Disclosure Statement that is false in a material matter shall be subject to the penalties of perjury pursuant to M.G.L. Chapter 268, Section 1A, and any other applicable criminal and civil penalties. If the City Clerk, the Boston Redevelopment Authority, or any other agency or person notifies the Commissioner of Inspectional Services that a court of competent jurisdiction has found that such a false

statement in a material matter has been willfully filed, the Commissioner of Inspectional Services may take any action provided in law or equity to enforce the provisions of this Section 80B-8.

Notwithstanding the foregoing, neither the Zoning Relief nor any building or occupancy permits issued shall be jeopardized by reason of any violation of the provisions of this paragraph (b) of Section 80B-8.7 after the Zoning Relief has been granted if either: (a) (i) a corporation, partnership, or trust, the stock of which is listed for sale to the public with the Securities and Exchange Commission or with a comparable regulatory body in a foreign country; (ii) a mutual insurance company or other entity owned by its policy holders; (iii) a pension fund or other employee benefit plan; (iv) an insurance company, bank, or other entity subject to control, regulation, or examination by any state or federal regulatory agency or by a comparable regulatory body in a foreign country; or (v) a governmental or quasi-governmental agency or authority, has loaned funds for the substantial construction of the Proposed Project, and has filed a notice with the Commissioner of Inspectional Services verifying the disbursement of funds for such substantial construction; or (b) a building permit allowing commencement of construction has been issued by the Inspectional Services Department.

(c) Notice of Enforcement; Cure; Limitations.

- (i) Notice of Enforcement. Prior to seeking enforcement for failure to file an updated Disclosure Statement, as provided in paragraph (a), or for falsification of a Disclosure Statement, as provided in paragraph (b), of this Section 80B-8.7, the Commissioner of Inspectional Services shall send notice of such intended enforcement to the Applicant, and to any other Person who has a Beneficial Interest in the Proposed Project (and any other mortgagees of whom the Inspectional Services Department has notice) listed on the most recent Disclosure Statement filed by the Applicant, by certified mail to the addresses given on the most recent Disclosure Statement filed. Such notice shall advise said Applicant and each such Person that, if the updated, or true, Disclosure Statement, as the case may be, is not filed within forty-five (45) days of receipt of the notice, the Commissioner of Inspectional Services shall consider revoking the Proposed Project's building or occupancy permit as a result of such failure to file, or such falsification, as the case may be, unless such building permit or occupancy permit is protected by the provisions of paragraph (b) of this Section 80B-8.7, or shall consider seeking any other remedies available

at law or in equity. The Commissioner shall send a copy of such notice of intended enforcement to the Secretary of the Boston Redevelopment Authority, the Secretary of the Zoning Commission, and the Executive Secretary of the Board of Appeal.

- (ii) Cure. If, within such forty-five (45) day period, any Person to whom the notice of intended enforcement was sent provides evidence to the Commissioner of Inspectional Services of due diligence in seeking the filing of an updated, or true, Disclosure Statement, as the case may be, the Commissioner of Inspectional Services shall not take any other action to enforce the provisions of this Section 80B-8 and shall not revoke any building or occupancy permit for the Proposed Project, and no such enforcement action or revocation may take place so long as the due diligence to seek compliance is being undertaken. The failure of any Applicant to file any updated, or true, Disclosure Statement required by this Section 80B-8 may be fully and completely cured by the filing by such Applicant at any subsequent time of an updated, or true, Disclosure Statement, as the case may be, that sets forth the information required by subsection 4 of this Section 80B-8 as of the time when such filing was originally due, or by the filing by any other Applicant of an updated, or true, Disclosure Statement that sets forth, to the best knowledge of such Applicant, the information required by said subsection 4 as of the time when such filing was originally due.

For the purpose of this paragraph (c) (ii) of Section 80B-8.7, "due diligence" shall conclusively mean, but not be limited to, the diligent prosecution of a civil action to compel compliance with the requirement to file an updated, or true, Disclosure Statement. Regulations issued by the Boston Redevelopment Authority pursuant to Section 80-8 may provide other circumstances where due diligence shall be conclusively found, including, without limitation, providing for circumstances where the interests of bona-fide purchasers and lenders shall not be jeopardized by reason of such nondisclosure if they exercise reasonable efforts to cure the noncompliance involved.

- (iii) Limitations. Any action by the Commissioner of Inspectional Services or any other party in connection with any violation of this Section 80B-8 shall be commenced only within three (3)

years after the cause of action accrues. A cause of action shall be deemed to accrue with respect to any Disclosure Statement on the date when such Disclosure Statement is required to be filed pursuant to this Section 80B-8.

C. PLANNED DEVELOPMENT AREA REVIEW

SECTION 80C-1. Planned Development Area Review: Title; Purpose; Relationship to Section 3-1A.a. Planned Development Area Review, as established by this Article, comprises the provisions of Sections 80C-1 through 80C-9, including any requirements set forth therein for compliance with other provisions of this Article and Code.

The purpose of Planned Development Area Review is to establish uniform procedures for the administration of the requirements of Section 3-1A.a, which provides for the establishment of Planned Development Area (PDA) special purpose overlay districts and requires the review and adoption of plans for the development of such districts.

SECTION 80C-2. Applicability of Planned Development Area Review. Planned Development Area Review shall apply to any application for the approval or amendment of any development plan or master plan for any Planned Development Area established pursuant to Section 3-1A.a.

SECTION 80C-3. Scope of Planned Development Area Review; Content of Plans.

1. PDA Development Plans. A PDA Development Plan shall set forth the proposed location and appearance of structures, open spaces and landscaping, proposed uses of the area, densities, proposed traffic circulation, parking and loading facilities, and access to public transportation, and proposed dimensions of structures. A PDA Development Plan also may include proposed building elevations, schematic layout drawings and exterior building materials, and such other matters as the Boston Redevelopment Authority deems appropriate to its consideration of the proposed development of the area.
2. PDA Master Plans. Where permitted pursuant to Section 3-1A.a, a PDA Master Plan may be submitted setting forth only a statement of the development concept, including the planning objectives and character of the development, the proposed uses of the area, the range of dimensional requirements contemplated for each of the proposed uses, the proposed phasing of construction of the development, and such other matters that may be included in a PDA Development Plan as the Boston Redevelopment Authority may request in order to make the findings required pursuant to Section 80C-4 (Standards for Approval).

SECTION 80C-4. Standards for Planned Development Area Review Approval. The Boston Redevelopment Authority shall not approve a Development Plan or Master Plan for a Planned Development Area unless the Authority finds that:

(a) such plan is not for a location or Proposed Project for which Planned Development Areas are forbidden by the underlying zoning; (b) each Proposed Project in such plan complies with any provisions of the underlying zoning that establish use, dimensional, design, or other requirements for Proposed Projects in Planned Development Areas; (c) such plan complies with any provisions of the underlying zoning that establish planning and development criteria, including public benefits, for Planned Development Areas; (d) such plan conforms to the plan for the district, subdistrict, or similar geographic area in which the Planned Development Area is located, and to the general plan for the City as a whole; and (e) on balance, nothing in such plan will be injurious to the neighborhood or otherwise detrimental to the public welfare, weighing all the benefits and burdens.

SECTION 80C-5. Boston Redevelopment Authority Procedures for Planned Development Area Review.

1. Pre-Review Planning Meeting. The Applicant is strongly encouraged to request a pre-review planning meeting with the Boston Redevelopment Authority. At the Applicant's request, the Boston Redevelopment Authority will schedule a pre-review planning meeting with the Applicant and Boston Redevelopment Authority staff to discuss issues that may be raised by the PDA Development Plan or PDA Master Plan and identify any need for coordination with other Boston Redevelopment Authority review and with review by other public agencies.
2. Initiating the Review Process. The Applicant shall initiate the review of a PDA Development Plan or PDA Master Plan by filing such plan with the Boston Redevelopment Authority, together with a fact sheet describing each Proposed Project in the Development Plan, or the development concept for the Master Plan, and a map or description of the area involved.
3. Public Notice and Comment. After receiving the documents required by subsection 2 of this Section 80C-5, the Boston Redevelopment Authority shall publish notice of such receipt as required by Section 80A-2. Copies of the review documents shall be distributed as required by Section 80A-3. Public comments, including the comments of public agencies, shall be transmitted in writing to the Boston Redevelopment Authority within forty-five (45) days after the Boston Redevelopment Authority has received the documents required by subsection 2 of this Section 80C-5.
4. Boston Redevelopment Authority Review and Approval. No later than sixty (60) days after the Boston Redevelopment Authority has received the PDA Development Plan or PDA Master Plan filed pursuant to subsection 2 of this Section 80C-5, the Boston Redevelopment Authority shall approve the plan submitted for review and authorize its Director to petition the Zoning Commission to approve the plan and designate the area of the Proposed

Project or Master Plan development concept as a Planned Development Area, or shall conditionally approve the plan, or shall disapprove the plan. Before it issues its decision, the Boston Redevelopment Authority shall hold a public hearing, for which it shall publish notice pursuant to Section 80A-2, and shall consider the public comments received.

SECTION 80C-6. Planned Development Area Review: Zoning Commission Approval. Upon its approval of the Development Plan or Master Plan for a Planned Development Area, the Boston Redevelopment Authority shall transmit such plan to the Zoning Commission for its consideration in accordance with Section 3-1A.a.

SECTION 80C-7. Amendment of Planned Development Area Plans. The review and approval requirements for amendment of a PDA Development Plan or PDA Master Plan are the same as those for the initial approval of such plan.

SECTION 80C-8. Enforcement: Certification of Consistency for Planned Development Area Review. The Commissioner of Inspectional Services shall not issue a building, use, or occupancy permit for any Proposed Project in a Planned Development Area unless the Director of the Boston Redevelopment Authority has issued:

- (a) a Certification of Consistency pursuant to this Section 80C-8; and
- (b) if applicable, a Certification of Compliance under Large Project Review, pursuant to Section 80B-6, or the certification required under Small Project Review, pursuant to Section 80E-6.

A Certification of Consistency shall meet the following requirements:

1. Procedure. The Applicant shall transmit to the Boston Redevelopment Authority a copy of the permit application, including each plan, drawing, and specification to be filed in connection therewith.

Within sixty (60) days after the Boston Redevelopment Authority has received the complete permit application, the Director of the Boston Redevelopment Authority shall issue a Certification of Consistency, pursuant to this Section 80C-8, or a finding of inconsistency, or a finding of consistency with conditions. A finding of inconsistency or a finding of consistency with conditions shall specify the reasons for the finding.

2. Findings. The Director of the Boston Redevelopment Authority shall issue a Certification of Consistency pursuant to this Section 80C-8 if, and only if, the Director finds that:

- (a) The Proposed Project is described adequately in a PDA Development Plan applicable to the Proposed Project's location; and
- (b) The Proposed Project is consistent with such PDA Development Plan; and
- (c) The applicable PDA Development Plan, or an amendment adding the Proposed Project to such Development Plan, has been approved by the Boston Redevelopment Authority and the Zoning Commission in accordance with the applicable provisions of Section 3-1A.a and Planned Development Area Review.

Prior to issuing a Certification of Consistency, the Director of the Boston Redevelopment Authority may require the Applicant to submit information and materials as necessary to evaluate whether the Proposed Project is consistent with the PDA Development Plan. Provided that such updated materials and information do not alter or require alteration of the development program proposed in such plan or of proposed public benefits, such updated materials and information shall not be deemed to be an amendment to such plan.

3. Adequacy of Description. For purposes of paragraph 2(a) of this Section 80C-8, the description of a Proposed Project in a PDA Development Plan is adequate if it describes the following project elements:
 - (a) size, including gross floor area, building height, and FAR;
 - (b) uses; and
 - (c) location, including the location of each proposed building and use.

SECTION 80C-9. Planned Development Area Review: Effect on Applicability of Other Zoning Requirements. Within a Planned Development Area:

- (1) any Proposed Project that has received a Certification of Consistency under Planned Development Area Review, pursuant to Section 80C-8, and
- (2) the parcels or lots (whether or not separated by a street or streets) and any improvements thereon, other than a Proposed Project, that are the subject of a PDA Development Plan approved pursuant to the applicable provisions of this Code, and that are consistent with such Plan,

shall be deemed to be in compliance with the requirements of the underlying zoning to the extent that such requirements have been addressed in the Development Plan.

So long as a Proposed Project as a whole is consistent with the applicable provisions of the underlying zoning, as required by this Section 80C-9, a Proposed Project within a Planned Development Area may be located on multiple contiguous parcels or lots, whether or not any portion of the Proposed Project or other improvements on a particular parcel or lot satisfies the provisions of the underlying zoning.

Nothing in this Article shall be construed to limit the power of the Board of Appeal to grant Zoning Relief for Proposed Projects in Planned Development Areas; provided, however, that exceptions are not permitted from any provisions of the underlying zoning that establish use, dimensional, design, or other requirements for Proposed Projects in Planned Development Areas.

The issuance of any permit for the development or construction of any portion of a Proposed Project proceeding in accordance with an approved PDA Development Plan, as amended from time to time, shall be deemed to be the issuance of a permit for the entire Proposed Project for the purpose of applying Section 5 of Chapter 665 of the Acts of 1956 as amended from time to time. Without limiting the foregoing sentence, the proviso of Section 5 that construction work under the permit proceed continuously to completion shall be deemed satisfied so long as construction on the Proposed Project proceeds generally in accordance with a development schedule set forth in the approved PDA Development Plan.

D. INSTITUTIONAL MASTER PLAN REVIEW

SECTION 80D-1. **Institutional Master Plan Review: Title; Purpose.**

Institutional Master Plan Review, as established by this Article, comprises the provisions of Sections 80D-1 through 80D-11, including any requirements set forth therein for compliance with other provisions of this Article and Code.

The purpose of Institutional Master Plan Review is to provide for the well-planned development of Institutional Uses in order to enhance their public service and economic development role in the surrounding neighborhoods. Institutional Master Plan Review recognizes that Institutional Uses need to expand and renovate their facilities more frequently than do other uses, and that the cumulative effects of incremental expansion may be greater than, or different from, the effects of each project individually. To assess these cumulative impacts and determine appropriate community benefits, Institutional Master Plan Review examines the combined impacts of an Institution's overall development program and affords the public the opportunity for review and comment.

SECTION 80D-2. **Applicability of Institutional Master Plan Review.**

1. Districts and Subdistricts in which Institutional Master Plan Review is Required. Institutional Master Plan Review shall apply only in those zoning districts and subdistricts where approval of an Institutional Master Plan is required, pursuant to the underlying zoning.
2. Review Requirement; Exempt Projects.
 - (a) Review Requirement. Except as otherwise specified in this Section 80D-2, Institutional Master Plan Review shall apply to any Proposed Institutional Project that is required, pursuant to the underlying zoning, to be consistent with an approved Institutional Master Plan.
 - (b) Exempt Projects. If a Proposed Institutional Project is exempt from a requirement to be consistent with an Institutional Master Plan, pursuant to the underlying zoning, or pursuant to subsection 3 of this Section 80D-2 (Exemption for Small Institutions), such Proposed Institutional Project shall be exempt from the requirements of Institutional Master Plan Review other than the requirements for exempt projects set forth in this Section 80D-2 and in Section 80D-10 (Enforcement...Notice of Exemption).
3. Exemption for Small Institutions. Notwithstanding any contrary provision of this Section 80D-2 or the underlying zoning, the provisions of this Article requiring Institutional Master Plan Review shall not apply to a Proposed Institutional Project if the combined gross floor area of the Proposed

Institutional Project and all of the other Institutional Uses of the same Institution is less than one hundred fifty thousand (150,000) square feet; provided, however, that if such combined gross floor area equals one hundred thousand (100,000) or more square feet, the Institution may elect to seek approval of an Institutional Master Plan, and as of the date of such approval, the Institutional Uses of the Institution shall be subject to the provisions of this Article requiring Institutional Master Plan Review.

4. Regulations Applicable to Exempt Projects. A Proposed Institutional Project that is exempt from Institutional Master Plan Review, pursuant to this Section 80D-2, and not electively described in an Institutional Master Plan, pursuant to subsection 5 of this Section 80B-2, shall be governed by the use, dimensional, and other regulations of the underlying zoning applicable to the use category that most closely describes such project.
5. Election to Include Exempt Project in Institutional Master Plan. An applicant for an Institutional Master Plan approval, renewal, or amendment may elect, in its submission materials, to make any exempt project subject to the provisions of its Institutional Master Plan, in which event such Proposed Institutional Project shall be governed by the provisions of this Article requiring Institutional Master Plan Review, notwithstanding any contrary provision of this Section 80D-2.

SECTION 80D-3. Scope of Institutional Master Plan Review; Content of Institutional Master Plan. An Institutional Master Plan shall include the elements described in this Section 80D-3 to provide a basis for evaluating, for city planning purposes, the impact on the surrounding neighborhoods of the Institution's current and future projects, except those elements excluded from review as specified in the Scoping Determination issued pursuant to Section 80D-5.

The Institutional Master Plan shall project its proposed development plan far enough into the future to cover at least the period of years for which the Institutional Master Plan may remain in effect before it must be renewed, pursuant to Section 80D-8. The Institutional Master Plan shall include all currently planned Proposed Institutional Projects that are not exempt under Section 80D-2 and any projects that are electively included in the plan. In addition, the plan shall set out and define the longer term goals of the Institution, a minimum of ten (10) years into the future. These goals should address the broad direction to be taken by the Institution with regard to its growth and services.

An Institutional Master Plan prepared pursuant to this Article shall cover the current and proposed properties, uses, and activities of the Institution within the areas of the City where preparation of the same Institutional Master Plan is required. An Institutional Master Plan shall include each of the following elements, except to the

extent waived by the Boston Redevelopment Authority, as determined in the Scoping Determination issued pursuant to Section 80D-5:

1. Mission and Objectives. A statement that defines the organizational mission and objectives of the Institution, and a description of how all development contemplated or defined by the Institutional Master Plan advances the goals and objectives of the Institution. The statement should describe the population to be served by the Institution, and any projected changes in the size or composition of that population. It should also specify any services to be provided to Boston residents in adjacent neighborhoods and in other areas of the City.
2. Existing Property and Uses. A description of land, buildings, and other structures occupied by Institutional Uses of the Institution as of the date of submission of the Institutional Master Plan, with such information including, for each property, the following: (i) illustrative site plans showing the footprints of each building and structure, together with roads, sidewalks, parking, and other significant improvements; (ii) land and building uses; (iii) building gross square footage; (iv) building height in stories and, approximately, in feet; (v) a description of off-street parking and loading areas and facilities, including a statement of the approximate number of parking spaces in each area or facility; and (vi) existing building linkage payments.
3. Needs of the Institution. A summary and projection of the Institution's current and future needs for the following facilities: (i) academic; (ii) service; (iii) research; (iv) office; (v) housing; (vi) patient care; (vii) public assembly; (viii) parking; and other facilities related to the Institutional Use. Such needs shall be defined in relationship to the Institution's goals and objectives as previously described.
4. Proposed Future Projects. A description of any proposed future projects of the Institution within the areas of the City where preparation of the same Institutional Master Plan is required (other than projects that are exempt under Section 80D-2 and not electively included in the Institutional Master Plan) and their relationship to present and future needs. The required descriptions may include:
 - (a) site locations and approximate building footprints;
 - (b) uses (specifying the principal subuses of each land area, building, or structure, such as classroom, laboratory, parking facility);
 - (c) square feet of gross floor area;

- (d) square feet of gross floor area eliminated from existing buildings through demolition of existing facilities;
 - (e) floor area ratios;
 - (f) building heights;
 - (g) parking areas or facilities to be provided in connection with proposed projects;
 - (h) any applicable urban renewal plans, land disposition agreements, or the like;
 - (i) current zoning of sites;
 - (j) total project cost estimates;
 - (k) estimated development impact payments;
 - (l) approximate timetable for development of Proposed Institutional Projects, with the estimated month and year of construction start and construction completion for each.
5. Institutional Transportation and Parking Management and Mitigation Plan. A description of the Institution's existing transportation and parking characteristics, a description of parking to be provided over the term of the Institutional Master Plan, a projection of impacts associated with the projects proposed in the Institutional Master Plan, and a set of transportation goals and mitigation measures to address these impacts.
 6. Pedestrian Circulation Guidelines and Objectives. A statement of guidelines and objectives for pedestrian circulation system to be provided through the campus of the Institution, including guidelines and objectives regarding the accessibility to the general public of any pedestrian areas and open spaces.
 7. Urban Design Guidelines and Objectives. A statement of urban design guidelines and objectives for new and renovated buildings to assure their compatibility with supporting neighborhoods and districts and to minimize potential adverse impacts on historic structures.
 8. Job Training Analysis. A description of the Institution's current workforce and projected future employment needs in connection with future projects and a description of current and/or proposed programs with Boston schools and other programs to train and employ students from Boston, and

particularly from neighborhoods in the vicinity of the Institution, at the requisite skill levels.

9. Community Benefits Plan. An identification of community benefits that mitigate impacts of proposed future projects or otherwise are appropriate to and enhance the surrounding communities.
10. Additional Elements. Such additional elements as the Boston Redevelopment Authority shall determine are necessary adequately to describe and to evaluate the Institution's proposed development program.

SECTION 80D-4. Standards for Institutional Master Plan Review Approval.

The Adequacy Determination issued pursuant to Section 80D-5 shall require compliance with each element of the Scoping Determination. In addition, the Boston Redevelopment Authority shall approve an Institutional Master Plan only if the Authority finds that: (a) the Institutional Master Plan conforms to the provisions of this Article; (b) the Institutional Master Plan conforms to the general plan for the City as a whole; and (c) on balance, nothing in the Institutional Master Plan will be injurious to the neighborhood or otherwise detrimental to the public welfare, weighing all the benefits and burdens.

SECTION 80D-5. Boston Redevelopment Authority Procedures for Institutional Master Plan Review.

1. Pre-Review Planning Meeting. The Applicant is strongly encouraged to request a pre-review planning meeting with the Boston Redevelopment Authority. At the Applicant's request, the Boston Redevelopment Authority will schedule a pre-review planning meeting with the Applicant and Boston Redevelopment Authority staff to discuss issues that may be raised by a Proposed Project and identify any need for coordination with other Boston Redevelopment Authority review and with review by other public agencies. If a Proposed Institutional Project involves the participation of more than one Institution, see subsection 6 (Coordinated Review of Joint Institutional Projects) of this Section 80D-5.
2. Initiating the Review Process. The Applicant shall initiate the Institutional Master Plan Review process by filing an Institutional Master Plan Notification Form (IMP NF) in writing with the Boston Redevelopment Authority.
 - (a) Time for Filing IMP NF. If the Institutional Master Plan will include one or more Proposed Institutional Projects, the Applicant should file the IMP NF prior to the commencement of Large Project Review for any such project.

- (b) Content of IMPNF. The IMPNF shall include those elements of an Institutional Master Plan identified in paragraphs (a) (Mission and Objectives) and (d) (Proposed Future Projects) of Section 80D-3 and summary descriptions of any Proposed Institutional Projects that are to be included in the Institutional Master Plan, including height, square footage, location, and uses, including the location of any High Impact Subuse. If any Proposed Institutional Project exceeds the thresholds for Large Project Review, pursuant to Section 80B-2, the IMPNF also shall include summary statements of anticipated impacts of such projects in the impact areas identified in Section 80B-3 (Scope of Large Project Review).
- (c) Public Notice. After receiving the IMPNF, the Boston Redevelopment Authority shall publish notice of such receipt as required by Section 80A-2. Copies of the IMPNF shall be distributed as required by Section 80A-3.
- (d) Abbreviated IMPNF for Certain Amendments. If a proposed amendment to an approved Institutional Master Plan meets the requirements of Section 80D-9.2 (Expedited Review for Certain Small Projects), the requirements for the IMPNF shall be as set forth in Section 80D-9.2.
- (e) Waiver of Further Review of Unchanged Plans. If, upon review of an IMPNF for the renewal or amendment of an approved Institutional Master Plan, the Boston Redevelopment Authority determines that:
 - (i) no new Proposed Institutional Projects are planned; (ii) no changes in the Institutional Master Plan are proposed that would constitute a change in the use, dimensional, parking, or loading elements of the Institutional Master Plan (other than de minimus dimensional changes); and (iii) no significantly greater impacts would result from continued implementation of the approved Institutional Master Plan than were originally projected, then the Boston Redevelopment Authority shall waive further review of the renewal or amendment application and approve the IMPNF and approved Institutional Master Plan together as the renewed or amended Institutional Master Plan.
- (f) Filing of Proposed Scoping Determination. At any time before the Boston Redevelopment Authority's issuance of a Scoping Determination, pursuant to subsection 3 of this Section 80D-5, the Applicant may file a proposed Scoping Determination for the Boston Redevelopment Authority to consider in developing its Scoping Determination.

3. Scoping Determination. Based on its review of the IMPNF and any public comments received in a timely manner, pursuant to this Section 80D-5.3, the Boston Redevelopment Authority shall issue a written Scoping Determination setting forth in sufficient detail those elements set forth in Section 80D-3 (Scope of Review; Content of Institutional Master Plan) that the Applicant must include in the Institutional Master Plan. The Scoping Determination also may set forth any modifications to the schedule and document requirements set forth in this Section 80D-5 that the Boston Redevelopment Authority may allow pursuant to Section 80-6 (Coordination of Review Procedures).

- (a) Time for Issuance of Scoping Determination. The Boston Redevelopment Authority shall issue the Scoping Determination no later than forty-five (45) days after the Boston Redevelopment Authority's receipt of the IMPNF.

If the Boston Redevelopment Authority has not issued the Scoping Determination within forty-five (45) days after its receipt of the PNF, the Boston Redevelopment Authority shall consider any proposed Scoping Determination filed by the Applicant pursuant to paragraph (f) of Section 80D-5.2. If the Boston Redevelopment Authority fails to accept or amend such proposed Scoping Determination within twenty-one (21) days after its receipt thereof, or within twenty-one (21) days after the date on which the Boston Redevelopment Authority's Scoping Determination was required to be issued, whichever is later, the Applicant's proposed Scoping Determination shall be deemed accepted.

- (b) Public Comment. Public comments, including the comments of public agencies, shall be transmitted in writing to the Boston Redevelopment Authority within thirty (30) days after the publication of notice of the IMPNF, pursuant to subsection 2 of this Section 80D-5, except as provided in subsection 2 of Section 80D-9 (Expedited Review for Certain Small Projects).
- (c) Scoping Session. Prior to issuing the Scoping Determination, the Boston Redevelopment Authority shall invite the Applicant and the City's public agencies to attend a scoping session with Boston Redevelopment Authority staff. The Boston Redevelopment Authority shall give notice of the scoping session to the City's public agencies pursuant to Section 80A-2. In addition, to aid inter-agency coordination and encourage identification of issues early in the review process, the Applicant may invite to the scoping session any other public agencies the Applicant believes may have occasion to review the Proposed Project.

- (d) Limited Scope of Review for Certain Institutional Master Plan Amendments. If a proposed amendment to an approved Institutional Master Plan is limited to the addition of one or more Proposed Institutional Projects to the Institutional Master Plan and does not involve renewal of the Institutional Master Plan, the Boston Redevelopment Authority shall limit the scope of review of such proposed amendment to an examination of the impacts of such Proposed Institutional Projects, taking into consideration the cumulative impacts of such projects when added to existing uses and to the other Proposed Institutional Projects already described in the approved Institutional Master Plan. This paragraph (d) of Section 80D-5.3 shall not apply to an amendment that is part of an application for renewal of an Institutional Master Plan, pursuant to Section 80D-8.
- (e) Waiver of Scoping Determination. If a proposed amendment to an approved Institutional Master Plan meets the requirements of subsection 2 of Section 80D-9 (Expedited Review for Certain Small Projects), the Boston Redevelopment Authority shall waive the requirement of a Scoping Determination, as provided by said subsection 2.

4. Institutional Master Plan and Adequacy Determination.

- (a) Institutional Master Plan. The Applicant shall satisfy the requirements of the Scoping Determination in the preparation of an Institutional Master Plan.
- (b) Public Notice and Comment. After receiving the Institutional Master Plan, the Boston Redevelopment Authority shall publish notice of such receipt as required by Section 80A-2. Copies of the Institutional Master Plan shall be distributed as required by Section 80A-3. Public comments, including the comments of public agencies, shall be transmitted in writing to the Boston Redevelopment Authority no later than sixty (60) days after the publication of such notice, except as provided in subsection 2 of Section 80D-9 (Expedited Review for Certain Small Projects).
- (c) Adequacy Determination. Within the time specified by paragraph (i) of this Section 80D-5.4, the Boston Redevelopment Authority shall issue a written Adequacy Determination approving, conditionally approving, or disapproving the Institutional Master Plan. If the Adequacy Determination disapproves the Institutional Master Plan, it shall provide specific reasons for the disapproval, setting forth the areas in which the Institutional Master Plan is at variance with the

requirements of the Scoping Determination. An Adequacy Determination that conditionally approves, or disapproves, the Institutional Master Plan, in whole or in part, may require additional information, studies, and mitigation measures, provided that such requirements are within the breadth of the Scoping Determination.

- (i) Time for Issuance of Adequacy Determination. The Boston Redevelopment Authority shall issue the Adequacy Determination within ninety (90) days following the Boston Redevelopment Authority's receipt of the Institutional Master Plan pursuant to this subsection 4 of Section 80D-5, except as provided in subsection 2 of Section 80D-9 (Expedited Review for Certain Small Projects).
- (ii) Public Hearing. Prior to issuing its Adequacy Determination, the Boston Redevelopment Authority shall hold a public hearing, and shall publish notice thereof pursuant to Section 80A-2, except that no public hearing shall be required for an Institutional Master Plan renewal or amendment that satisfies the requirements of paragraph (e) (Waiver of Further Review of Unchanged Plans) of Section 80D-5.2.

- 5. Revision of Institutional Master Plan. If the Adequacy Determination disapproves the Institutional Master Plan, the Applicant shall revise the Institutional Master Plan before resubmitting it to the Boston Redevelopment Authority. The revised and resubmitted Institutional Master Plan shall be reviewed in the manner, and subject to the requirements, set forth in subsection 4 (Institutional Master Plan and Adequacy Determination) of this Section 80D-5.
- 6. Coordinated Review of Joint Institutional Projects. A Proposed Institutional Project involving the participation of more than one Institution may be included in an Institutional Master Plan in the following ways: (i) the project may be included in its entirety in the Institutional Master Plan for one of the participating Institutions; or (ii) the relevant part of such project may be included in the Institutional Master Plan for each such Institution. If a Proposed Institutional Project is included in the Institutional Master Plans of two or more Institutions, the Boston Redevelopment Authority, at the request of the Institutions, shall: (1) allow the submission of a combined IMPNF for such project incorporating all the information required from all such Institutions; (2) limit the scope of review of such Proposed Institutional Project in each Institutional Master Plan to those portions of such project that involve the participation of that Institution; and (3) provide for the required Institutional Master Plan amendments to be reviewed together, to

the extent feasible, at any public meetings and public hearings required pursuant to Section 80D-5 and Section 80D-6.

SECTION 80D-6. Institutional Master Plan Review: Zoning Commission Approval. Upon approval of the Institutional Master Plan by the Boston Redevelopment Authority, the Boston Redevelopment Authority shall transmit the Institutional Master Plan to the Zoning Commission for its consideration. The Zoning Commission may, after a public hearing in accordance with the procedures set forth in Section 3 of Chapter 665 of the Acts of 1956, as amended, approve the Institutional Master Plan and establish an Institutional Master Plan Area within which the Institutional Master Plan shall apply. The Institutional Master Plan Area shall apply on an overlay basis and may include non-contiguous elements located in one or more districts or subdistricts.

No Zoning Commission approval shall be required for a renewal or amendment of an approved Institutional Master Plan, if such renewal or amendment: (a) meets the requirements of Section 80D-5.2(e) (Waiver of Further Review of Unchanged Plans) or Section 80D-9.2 (Expedited Review for Certain Small Projects), and (b) does not add additional land to the approved Institutional Master Plan. In such case, the date of the Boston Redevelopment Authority's approval of such renewal or amendment, pursuant to Section 80D-5, shall constitute the new approval date for such Institutional Master Plan.

SECTION 80D-7. Update of Institutional Master Plan. An approved Institutional Master Plan shall be updated biannually, on or before the applicable anniversary of the approval date of the Institutional Master Plan.

To update its Institutional Master Plan, an Institution shall file with the Boston Redevelopment Authority a description of all projects that: (a) have been completed since the most recent biannual update or Institutional Master Plan approval or renewal date, (b) are ongoing, including a description of the status and estimated timetables for completion of such projects, or (c) are scheduled to begin in the upcoming twenty-four (24) months, including estimated timetables for the commencement, progress, and completion of such projects. Such descriptions shall include any other information necessary to clarify the information required by items (a), (b), or (c) of this Section 80D-7.

The biannual update of an Institutional Master Plan shall not constitute an amendment or renewal of such Institutional Master Plan, and the description of a project in such biannual update shall not serve to add any such project to any applicable Institutional Master Plan without an amendment of such Institutional Master Plan pursuant to Section 80D-9.

Failure to update an Institutional Master Plan shall not affect the status under the Institutional Master Plan of then existing uses or structures, or of building, use, or occupancy permits already issued.

SECTION 80D-8. Renewal of Institutional Master Plan.

1. Time for Renewing Institutional Master Plan. An approved Institutional Master Plan may be renewed at any time.

If an Institution fails to file an IMPNF seeking renewal of an Institutional Master Plan on or before the time specified in the underlying zoning for renewing an Institutional Master Plan, or if, having made such filing, the Institution thereafter fails diligently to make the necessary filings and otherwise fulfill the requirements for renewal set forth in this Section 80D-8, as determined by the Director of the Boston Redevelopment Authority, then the Director shall not issue any Certification of Consistency, pursuant to Section 80D-10, with respect to a Proposed Institutional Project of such Institution until such failure is remedied. Failure to file an IMPNF seeking renewal of an Institutional Master Plan within the time required by the underlying zoning shall not affect the status under the Institutional Master Plan of then existing uses or structures or of building, use, or occupancy permits already issued as of such expiration.

Except as otherwise specified in Section 80D-6 (Zoning Commission Approval), the new approval date for the Institutional Master Plan shall be the date of the Zoning Commission's approval of the Institutional Master Plan renewal.

2. Review and Approval Requirements for Institutional Master Plan Renewal. The review and approval requirements for renewing an Institutional Master Plan are the same as those for the initial approval of an Institutional Master Plan, except as set forth in Section 80D-5.2(e) (Waiver of Further Review of Unchanged Plans) and Section 80D-6 (Zoning Commission Approval).

SECTION 80D-9. Amendment of Institutional Master Plan. An approved Institutional Master Plan may be amended at any time.

1. General Review and Approval Requirements for Institutional Master Plan Amendments. The review and approval requirements for amending an Institutional Master Plan are the same as those for the initial approval of an Institutional Master Plan, except as set forth in Section 80D-5 and this Section 80D-9.
2. Expedited Review for Certain Small Projects. The expedited review procedure of paragraph (a) of this Section 80D-9.2 shall apply to a

proposed amendment to an Institutional Master Plan if: (1) such amendment proposes no changes to the Institutional Master Plan other than the addition of one or more Proposed Projects; and (2) each of such Proposed Projects meets the requirements of paragraph (b) of this Section 80D-9.2.

- (a) Expedited Amendment Procedure. If a proposed amendment meets all the requirements of this Section 80D-9, the following review procedures shall apply:
 - (i) Initiating the Review Process: Abbreviated IMPNF; Waiver of Scoping. The Applicant shall initiate the review process by filing with the Boston Redevelopment Authority the approved Institutional Master Plan, together with an IMPNF that includes summary descriptions of all Proposed Institutional Projects that are to be included in the amended Institutional Master Plan, as required by paragraph (b) (Content of IMPNF) of Section 80D-5.2, and a statement that no other changes to the approved Institutional Master Plan are proposed. The Boston Redevelopment Authority shall waive the requirement of a Scoping Determination, pursuant to paragraph (e) of Section 80D-5.3.
 - (ii) Public Notice and Comment. Public comments, including the comments of public agencies, shall be transmitted in writing to the Boston Redevelopment Authority no later than thirty (30) days after the publication of notice of the IMPNF, pursuant to Section 80D-5.2. Copies of the IMPNF shall be distributed as required by Section 80A-3.
 - (iii) Adequacy Determination. The Boston Redevelopment Authority shall issue its written Adequacy Determination, pursuant to Section 80D-5.4, within sixty (60) days after the Boston Redevelopment Authority's receipt of the IMPNF pursuant to paragraph (i) of this Section 80D-9.2(a). Nothing in this Section 80D-9.2 shall affect the requirements set forth in Section 80D-5 for full community participation in the Boston Redevelopment Authority's review of an amendment to an Institutional Master Plan, including but not limited to the requirement of a public hearing pursuant to paragraph (c) of Section 80D-5.4.
- (b) Projects Qualifying for Expedited Amendment Procedure. A Proposed Institutional Project shall qualify for the expedited amendment procedure of this Section 80D-9.2 if such project does

not meet the size thresholds for Large Project Review, as set forth in Section 80B-2 (Applicability of Large Project Review), and such project meets the requirements of paragraph (i) or paragraph (ii), below:

- (i) the Proposed Institutional Project is an exempt project, as provided in subsection 2 of Section 80D-2, and the Institution elects to make such project subject to the provisions of its Institutional Master Plan pursuant to subsection 5 of Section 80D-2; or
- (ii) the Proposed Institutional Project is not an exempt project, pursuant to Section 80D-2, and the project meets all of the following requirements:
 - (1) the project is located within an Institutional District or Subdistrict or, if it is located outside an Institutional District or Subdistrict, the use category that most closely describes such project is designated in the underlying zoning as an allowed use; and
 - (2) if the project is located outside an Institutional District or Subdistrict, its dimensions and parking and loading spaces meet all the requirements of the underlying zoning applicable to the use category that most closely describes the project; and
 - (3) the project is not for one or more of the High Impact Subuses of an Institutional Use.

SECTION 80D-10. Institutional Master Plan Review Enforcement: Certification of Consistency; Notice of Exemption. If a Proposed Institutional Project is located in a district or subdistrict in which Institutional Master Plan Review is required, pursuant to Section 80D-2.1, the Commissioner of Inspectional Services shall not issue any building, use, or occupancy permit for such Proposed Institutional Project unless the Director of the Boston Redevelopment Authority has issued a Certification of Consistency, pursuant to subsection 1 of this Section 80D-10, in connection with the application for such permit, or has notified the Commissioner, pursuant to subsection 2 of this Section 80D-10, that the Proposed Institutional Project is exempt from such requirement.

1. Certification of Consistency.

- (a) Procedure. The Applicant shall transmit to the Boston Redevelopment Authority a copy of the permit application, including each plan, drawing, and specification filed in connection therewith.

Within sixty (60) days after the Boston Redevelopment Authority has received the complete permit application, the Director of the Boston Redevelopment Authority shall issue a Certification of Consistency, pursuant to this Section 80D-10, or a finding of inconsistency, or a finding of consistency with conditions. A finding of inconsistency or a finding of consistency with conditions shall specify the reasons for the finding.

- (b) Findings. The Director of the Boston Redevelopment Authority shall issue a Certification of Consistency pursuant to this Section 80D-10 if, and only if, the Director finds that:

(i) The Proposed Institutional Project:

- (1) is described adequately in an Institutional Master Plan; and
- (2) is consistent with such Institutional Master Plan, including the requirement of subsection (d) of this Section 80D-10.1 concerning the location of High Impact Subuses; and

(ii) The Institutional Master Plan:

- (1) has been approved by the Boston Redevelopment Authority and the Zoning Commission in accordance with the applicable provisions of Institutional Master Plan Review; and
- (2) is in compliance with the update requirements of Section 80D-7 and with the renewal requirements of Section 80D-8.

Prior to issuing a Certification of Consistency, the Director of the Boston Redevelopment Authority may require the Applicant to submit information and materials as necessary to evaluate whether the Proposed Institutional Project is consistent with the Institutional Master Plan. Provided that such updated materials and information do not alter or require alteration of the development program proposed in the Institutional Master Plan or of proposed mitigation

measures, such updated materials and information shall not be deemed to be an amendment to the Institutional Master Plan.

- (c) Adequacy of Description. For purposes of paragraph 1(b) of this Section 80D-10, the description of a Proposed Institutional Project in an Institutional Master Plan is adequate if it describes the following project elements:
 - (i) size, including gross floor area, building height, and Floor Area Ratio;
 - (ii) uses, including each High Impact Subuse; and
 - (iii) location, including the location of each High Impact Subuse.
 - (d) Consistency of Location of High Impact Subuses. Notwithstanding any contrary provision of this Code concerning the subuses of Institutional Uses, the location of any Proposed Institutional Project for a High Impact Subuse must be consistent with the location specified for such Proposed Institutional Project in the Institutional Master Plan.
2. Notice of Exemption. To request a notice of exemption, pursuant to this Section 80D-10, the Applicant shall transmit to the Boston Redevelopment Authority, in writing, the following information concerning the Proposed Institutional Project:
- (a) size, including gross floor area, building height, and Floor Area Ratio;
 - (b) uses, including any High Impact Subuses;
 - (c) location, including the location of any High Impact Subuses; and
 - (d) a statement that the Applicant does not elect to include the Proposed Institutional Project in its Institutional Master Plan.

Within ten (10) days after receiving such request, the Director of the Boston Redevelopment Authority shall issue a written notice to the Commissioner of Inspectional Services indicating that such project is exempt, pursuant to Section 80D-2, from the requirement to obtain a Certification of Consistency, or that such project is not so exempt, or that further information is needed to make a determination. A notice that a Proposed Institutional Project is not so exempt, or that further information is needed, shall state the reason therefor or specify what information is needed.

SECTION 80D-11. Institutional Master Plan Review: Effect on Applicability of Other Zoning Requirements. Any use or structure that has received a Certification of Consistency, pursuant to Section 80D-10, and that has received, if applicable, a Certification of Compliance under Large Project Review, pursuant to Section 80B-6, or the certification required under Small Project Review, pursuant to Section 80E-6, shall be deemed to be in compliance with the use, dimensional, parking and loading requirements of the underlying zoning, notwithstanding any provision of the underlying zoning to the contrary and without the requirement of further Zoning Relief.

III. SMALL PROJECT REVIEW:

Approval by Boston Redevelopment Authority Staff

SECTION 80E-1. Small Project Review: Title; Purpose. Small Project Review, as established by this Article, comprises the provisions of Sections 80E-1 through 80E-6, including any requirements set forth therein for compliance with other provisions of this Article and Code.

The purpose of Small Project Review is to provide a concise procedure for reviewing the design of projects that do not require Large Project Review but that can be expected to affect the surrounding area and public realm because of their size or location. Small Project Review determines whether a project is consistent with the design guidelines and site plan standards established for the project location and for the City as a whole.

↓ **SECTION 80E-2. Applicability of Small Project Review.** Small Project Review shall apply as set forth in this Section 80E-2; provided, however, that Small Project Review shall not apply to any Proposed Project that meets the size thresholds for Large Project Review, as set forth in Section 80B-2.

1. Design Component. The Design Component of Small Project Review shall apply to the Proposed Projects specified in this Section 80E-2.1; provided, however, that the Design Component shall not apply to any Proposed Project that is subject to the jurisdiction of the Boston Landmarks Commission or any other architectural board or commission having design review authority and established pursuant to a general or special law of the Commonwealth of Massachusetts.

(a) Downtown and Harborpark.

- (i) Design Review Required by Applicable Zoning. Any Proposed Project that is required, pursuant to the underlying zoning or other provisions of this Code, to be consistent with any design guidelines established for the location of such project or for particular uses and structures.
- (ii) Design Review Required by Board of Appeal. Any Proposed Project for which a decision of the Board of Appeal requires design review by the Boston Redevelopment Authority as a condition for Zoning Relief.

(b) Neighborhoods.

- (i) Projects Adding Gross Floor Area. Any Proposed Project for the erection or extension of one or more buildings that results in

the addition of an aggregate gross floor area of twenty thousand (20,000) or more square feet, and any Proposed Project that results in the addition of a smaller gross floor area for which the underlying zoning requires design review by the Boston Redevelopment Authority.

- (ii) Projects Adding Dwelling Units. Any Proposed Project for the construction of fifteen (15) or more Dwelling Units (but not including rehabilitation or alteration projects unless they result in a net increase of fifteen (15) or more Dwelling Units).
 - (iii) Exterior Alterations in Neighborhood Design Overlay Districts. Within any Neighborhood Design Overlay District (NDOD), any of the following Proposed Projects and exterior alterations, provided that such Proposed Project or exterior alteration is visible from a public street or public open space:
 - (1) Any exterior alteration changing the roof shape, cornice line, Street Wall height, or building height of an existing building;
 - (2) Any Proposed Project for the erection or extension of a building with a gross floor area of three hundred (300) or more square feet; and
 - (3) Any exterior alteration to change the building massing or the size or location of door or window openings, where such alteration affects three hundred (300) or more square feet of exterior wall area, or a smaller exterior wall area if expressly provided in the underlying zoning.
 - (iv) Design Review Required by Underlying Zoning. Any Proposed Project for which the underlying zoning requires design review by the Boston Redevelopment Authority.
 - (v) Design Review Required by Board of Appeal. Any Proposed Project for which a decision of the Board of Appeal requires design review by the Boston Redevelopment Authority as a condition for Zoning Relief.
- (c) All Districts.
- (i) Design Review for Certain Wireless Communications Equipment. Any Proposed Installation for which design review

by the Boston Redevelopment Authority is required pursuant to Article 86 (Wireless Communications Equipment).

- (ii) Projects in Planned Development Areas. Any Proposed Project located in a Planned Development Area.

- 2. Site Plan Component: Projects in Conservation Protection Subdistricts and Greenbelt Protection Overlay Districts. The Site Plan Component of Small Project Review shall apply to any Proposed Project in a Conservation Protection Subdistrict (CPS) or a Greenbelt Protection Overlay District (GPOD) if such Proposed Project, together with Previous Projects:
 - (a) adds five thousand (5,000) or more square feet of gross floor area; or
 - (b) moves one hundred (100) or more cubic yards of earth; or (c) increases the impervious surface of the site by two thousand (2,000) or more square feet.

For purposes of this Section 80E-2.2, "Previous Project," in relation to a Proposed Project, means any other project by the same Applicant, or any predecessor in interest of the Applicant, within the same CPS or GPOD, if, within the three (3) years preceding the application date for a building permit for the Proposed Project, such other project was substantially completed, under construction, or the subject of a pending building permit application.

- 3. Comprehensive Sign Design. The Comprehensive Sign Design Component of Small Project Review shall apply to any application for approval of a comprehensive sign design, pursuant to Section 11-2.
- 4. Waiver or Modification of Small Project Review Requirements.
 - (a) Projects Reviewed by Other City Agencies. The Boston Redevelopment Authority may waive the requirements of Small Project Review if the Authority determines that such review will be unnecessary or duplicative, because the matters to be reviewed have been or will be addressed adequately through review by other public agencies of the City.
 - (b) Certain Projects in Industrial Areas. The purpose of this subsection 80E-2.4(b) is to allow the Boston Redevelopment Authority to waive or modify the requirements of Small Project Review for certain industrial projects located in designated industrial areas if the Authority has determined that such waiver or modification will promote the city planning and economic development purposes set forth in this Code for such area and that such Proposed Project will not generate adverse impacts outside the Lot. The Boston

Redevelopment Authority may waive or modify all or part of the requirements of Small Project Review with respect to a Proposed Project if:

- (i) such Proposed Project is located in one of the following districts or subdistricts:

EDA - Economic Development Area

I - General Industrial

IDA - Industrial Development Area

LI - Local Industrial

LIA - Logan International Airport

M - Restricted Manufacturing

WM - Waterfront Manufacturing

or in an industrial park, as defined in Article 2A, and

- (ii) such Proposed Project is allowed as of right in such location, as indicated by the designation "Allowed" or "A" in the underlying zoning; and

- (iii) the Authority determines that, with respect to those matters that may be addressed in Small Project Review, pursuant to Section 80E-3, the Proposed Project will not have significant adverse impacts outside the Lot; and

- (iv) the Authority determines that the Proposed Project will promote the city planning and economic development purposes of the industrial area where the Proposed Project is located, as such purposes are identified in the underlying zoning or, in the case of an industrial park, as specified in the applicable Economic Development Plan and in any applicable approval for a Marine Industrial Park issued pursuant to 310 CMR 9.00, as amended.

- (c) Certain Projects to Preserve or Create Affordable Housing. The purpose of this subsection 80E-2.4(c) is to allow the Boston Redevelopment Authority to waive the requirements of Small Project Review for certain Proposed Projects to rehabilitate or construct Affordable Housing units if the Authority has determined that such waiver will increase the availability or quality of Affordable Housing in the City and that such Proposed Project will not generate significant adverse impacts outside the Lot. The criteria for waiver of such review requirements pursuant to this subsection 80E-2.4(c) are as follows:

- (i) such Proposed Project is for the rehabilitation, replacement, extension, or creation of Affordable Housing units that are or will be subject to review by the Authority pursuant to Section 3-1A.a (Planned Development Areas), Section 3-1A.b (Urban Renewal Areas), or M.G.L. Chapter 121A; and
- (ii) the Authority determines that, with respect to those impacts that may be addressed pursuant to Section 80E-3 (Scope of Small Project Review), the Proposed Project will not have significant adverse impacts outside the Lot; and
- (iii) the Authority determines that the Proposed Project will increase the availability or quality of Affordable Housing in the City.

(↑As amended on December 13, 1996.)

SECTION 80E-3. Scope of Small Project Review; Content of Application. Small Project Review shall consist of one or more of the following components: (1) design; (2) site plan; and (3) comprehensive sign design. The components of Small Project Review are applicable as set forth in Section 80E-2.

1. Design Component. If a Proposed Project is subject to the Design Component of Small Project Review, the application submitted pursuant to Section 80E-5 shall include such plans, drawings, and specifications as are necessary for the Boston Redevelopment Authority to determine that the Proposed Project is consistent with the standards set forth in Section 80E-4 (Standards for Small Project Review Approval). Such materials shall set forth, for the existing conditions and for the Proposed Project:
 - (a) vehicular and pedestrian access and egress to and from the site and traffic impacts in the vicinity of the site;
 - (b) location and dimensions of all buildings, structures, and parking and loading areas;
 - (c) relationships of primary buildings to secondary buildings;
 - (d) landscaping and screening;
 - (e) roof shapes, cornice lines, and roof structures;
 - (f) exterior wall articulation, fenestration, and other architectural features; and
 - (g) proposed sign locations.

2. Site Plan Component. If a Proposed Project is subject to the Site Plan Component of Small Project Review, the application submitted pursuant to Section 80E-5 shall include a site plan containing those elements of the materials and information set forth in subsection 6 of Section 80B-3 (concerning the Site Plan Component of Large Project Review) that the Boston Redevelopment Authority finds are necessary to determine whether the Proposed Project is consistent with the standards for site plan approval set forth in Section 80E-4.
3. Comprehensive Sign Design. If an Applicant seeks approval of a comprehensive sign design, pursuant to Section 11-2, the application submitted pursuant to Section 80E-5 shall consist of a plan showing all proposed signs and related architectural features on the sign frontage for which comprehensive sign design approval is sought.

SECTION 80E-4. Standards for Small Project Review Approval.

1. Design Component. Any Proposed Project that is subject to the Design Component of Small Project Review shall be consistent with any design guidelines established for the location of the Proposed Project, as set forth in the underlying zoning and, if the Proposed Project is located in a Planned Development Area, Urban Renewal Area or Institutional Master Plan Area, as set forth in the PDA Development Plan, PDA Master Plan, land assembly and redevelopment plan, urban renewal plan, or Institutional Master Plan applicable to such area. Such design guidelines may relate to any planning area or district and may include, but need not be limited to, particular architectural requirements, including building massing, proportions, setbacks, materials, fenestration, ground level treatment, and other related architectural characteristics.
2. Site Plan Component. Any Proposed Project that is subject to the Site Plan Component of Small Project Review, shall be consistent with the standards set forth in subsection 2 of Section 80B-4 (concerning approval standards for the Site Plan Component of Large Project Review).
3. Comprehensive Sign Design. A proposed comprehensive sign design shall achieve a complementary and harmonious synthesis of signs and architectural features, as required by Section 11-2.

↓SECTION 80E-5. Procedures for Small Project Review.

1. Application. The Applicant shall initiate the review required by this Article for Small Project Review by filing an application with the Boston Redevelopment Authority containing the information required by Section 80E-3. If an application does not contain adequate information for the

Boston Redevelopment Authority to make the determination required by Section 80E-4 (Standards for Small Project Review Approval), the Authority, within ten (10) days after receiving the application, shall request that the Applicant submit the necessary information, and the time period for issuance of the Authority's determination shall be calculated from the date on which the Authority receives such information.

If the Site Plan Component is required, pursuant to Section 80E-2.2, the Boston Redevelopment Authority shall transmit a copy of the application to the Boston Environment Department.

If a Proposed Project is subject to the Design Component under Section 80E-2.1 for an increase in gross floor area, pursuant to subsection (b)(i), for addition of dwelling units, pursuant to subsection (b)(ii), or for exterior alterations in a Neighborhood Design Overlay District, pursuant to subsection (b)(iii), or to the Site Plan Component under Section 80E-2.2, the Boston Redevelopment Authority shall send a notice to the Neighborhood Council (if any) for the neighborhood in which the Proposed Project is located or, if there is no such Neighborhood Council, to a similar community or civic organization that ordinarily reviews planning and development issues for the geographic area in which the Proposed Project is located. Such notice shall indicate that the Authority has received an application for Small Project Review and shall include information on the Proposed Project and on how such Neighborhood Council or similar organization may obtain a copy of the full application and register its comments with the Authority.

2. Review and Approval. The Boston Redevelopment Authority, through its staff, may find that the Proposed Project is consistent with the standards set forth in Section 80E-4 or is not consistent with those standards. If a Proposed Project is subject to design or site plan review by another public agency, the Boston Redevelopment Authority may adopt the recommendations of such agency as the basis for its findings pursuant to this Section 80E-5.2.

The Director of the Boston Redevelopment Authority shall certify the Authority's findings to the Inspectional Services Department, pursuant to Section 80E-6, within the time periods set forth in this Section 80E-5.2.

- (a) Review Not Requiring Site Plan Component. If the Site Plan Component is not required, the Boston Redevelopment Authority shall transmit the Director's certification to the Inspectional Services Department within forty-five (45) days after the Boston Redevelopment Authority's receipt of a complete application pursuant to subsection 1 of this Section 80E-5.

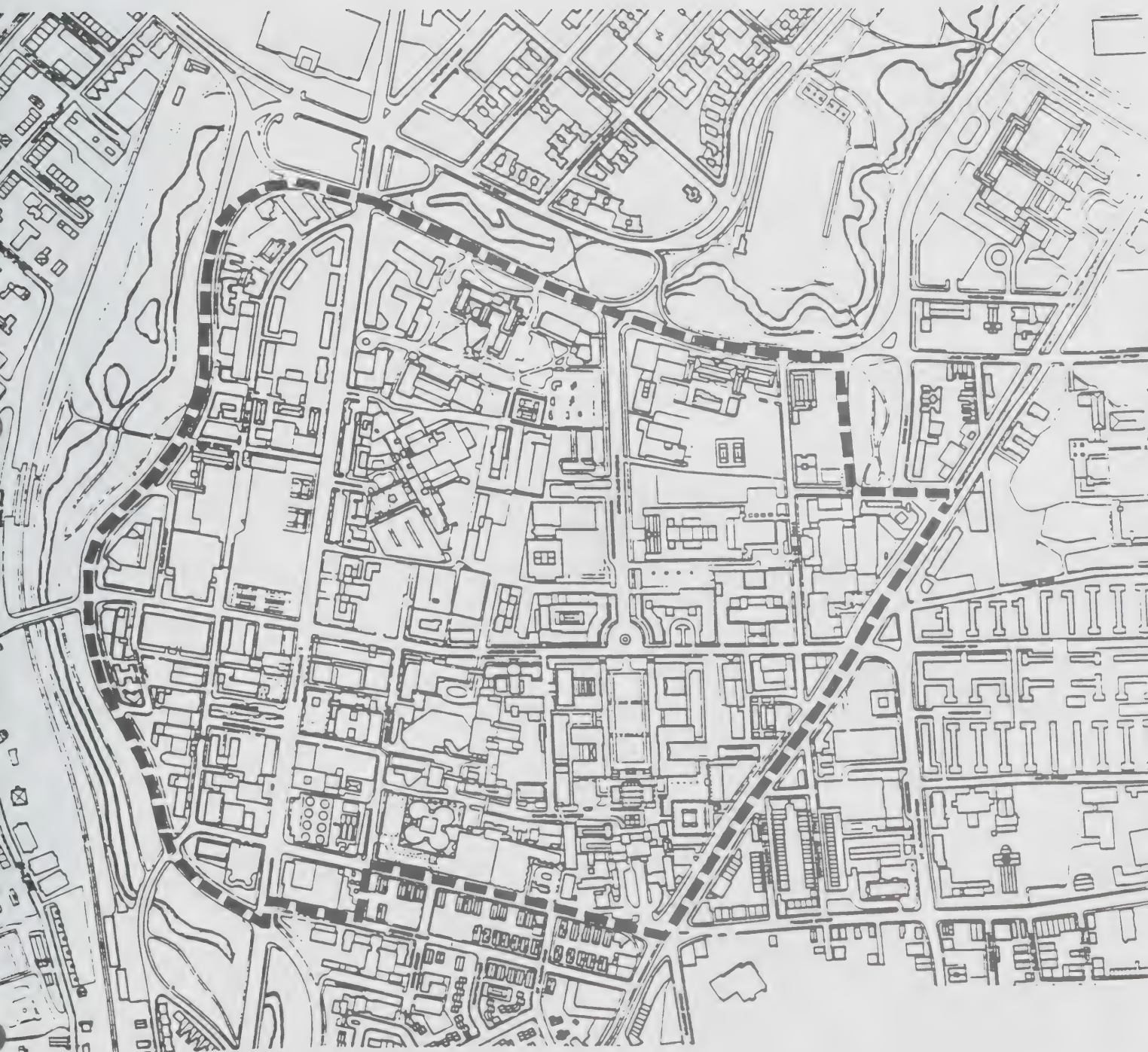
(b) Review Requiring Site Plan Component. If the Site Plan Component is required, the following provisions apply:

- (i) Boston Environment Department Recommendation. The Boston Environment Department may, within forty-five (45) days after its receipt of the application, file with the Boston Redevelopment Authority a report with recommendations, together with maps, plans, and other materials to aid the Boston Redevelopment Authority in determining consistency with the approval standards for the Site Plan Component set forth in Section 80E-4.2. The Boston Redevelopment Authority shall not transmit its findings to the Inspectional Services Department until the Boston Redevelopment Authority has received and considered the Boston Environment Department's report with recommendations; provided that if the Boston Redevelopment Authority has not received such report within such forty-five (45) days, it may transmit the Director's certification to the Inspectional Services Department without such report.
- (ii) Boston Redevelopment Authority Certification. The Boston Redevelopment Authority shall transmit the Director's certification to the Inspectional Services Department within sixty (60) days after the Boston Redevelopment Authority's receipt of a complete application pursuant to subsection 1 of this Section 80E-5.

(↑As amended on August 22, 1996.)

SECTION 80E-6. Enforcement: Certification of Approval. The Commissioner of Inspectional Services shall not issue a building permit for any Proposed Project that is subject to Small Project Review, pursuant to Section 80E-2, unless the Director of the Boston Redevelopment Authority has certified that such Proposed Project has been approved by the Boston Redevelopment Authority pursuant to Section 80E-5, or that the Boston Redevelopment Authority has waived the requirements of Small Project Review, pursuant to Section 80E-2.4 (Waiver or Modification of Small Project Review Requirements); provided that, if the Commissioner has not received the Director's certification required by Section 80E-5.2 within the applicable time period set forth in paragraph (a) or paragraph (b)(ii) of said Section 80E-5.2, the Commissioner may issue such building permit without such certification.

LARGE PROJECT REVIEW: BOUNDARIES OF
LONGWOOD INSTITUTIONAL AREA FOR THE
PURPOSE OF APPLYING SECTION 80B-2.2(d)



DEVELOPMENT IMPACT PROJECT EXACTIONS:
AREA SUBJECT TO SEVEN YEAR PAYMENT SCHEDULE



APPENDIX B

Development Impact Project Exactions: Area Subject to Seven-Year Payment Schedule

(page 2 of 2)

Beginning at the intersection of the southern bank of the Charles River and the centerline of Massachusetts Avenue and running southerly and southeasterly along the centerline of Massachusetts Avenue to the intersection with the centerline of Tremont Street;

Thence running northeasterly along the centerline of Tremont Street to the centerline of East Berkeley Street;

Thence running easterly along the centerline of East Berkeley Street and the West Fourth Street Bridge to the intersection with the centerline of Dorchester Avenue;

Thence running northerly along the centerline of old Dorchester Avenue to the intersection with the edge of land on the northwesterly side of Fort Point Channel;

Thence running northeasterly along the water's edge or the U.S. Pierhead Line, whichever shall be more inclusive, to the Metropolitan District Commission Dam at the mouth of the Charles River;

Thence running across the southerly side of the Metropolitan District Commission Dam and along the southerly bank of the Charles River to the beginning point at the intersection thereof with the centerline of Massachusetts Avenue.

APPENDIX C

Disclosure Statement Concerning Beneficial Interests as Required by Article 80, Section 80B-8, of the Boston Zoning Code

- (1) Name of Project: _____
- (2) Location: _____
- (3) Applicant: _____
- (4) I hereby state, under the penalties of perjury, that the true names and addresses of all Persons who have a Beneficial Interest (including the amount of their Beneficial Interest accurate to within one-tenth of one percent if such interest exceeds one percent) in the above-listed property are listed below in compliance with the provisions of Article 80, Section 80B-8, of the Boston Zoning Code.

NAME AND RESIDENCE OF EACH PERSON WITH SAID BENEFICIAL
INTEREST (continue on separate sheet if necessary):

	<u>Percentage Interest</u>
NAME: _____	_____
ADDRESS: _____	
NAME: _____	_____
ADDRESS: _____	
NAME: _____	_____
ADDRESS: _____	
NAME: _____	_____
ADDRESS: _____	
NAME: _____	_____
ADDRESS: _____	

APPENDIX C (continued)

- (5) The undersigned also acknowledges and states that except as stated below, none of the above-listed individuals is an official elected to public office in the Commonwealth of Massachusetts, nor is an employee of the State Department of Capital Planning and Operations.
- (6) I hereby state, under the penalties of perjury, that the names and addresses of all firms and professional corporations employing attorneys, real estate brokers, architects, engineers, planners, or surveyors, and all other agents who have acted on behalf of any of the foregoing with respect to the application for Zoning Relief on the above-listed property are listed below in compliance with the provisions of Article 80, Section 80B-8, of the Boston Zoning Code.

NAMES AND ADDRESSES OF ALL FIRMS AND PROFESSIONAL CORPORATIONS, AND AGENTS WHO HAVE ACTED ON SAID APPLICATION
(continue on separate sheet if necessary):

NAME: _____

ADDRESS: _____

NAME: _____

ADDRESS: _____

NAME: _____

ADDRESS: _____

NAME: _____

ADDRESS: _____

NAME: _____

ADDRESS: _____

SIGNED under the penalties of perjury.

Signature: _____

Name Printed: _____

Date: _____

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⇅ ARTICLE 85

DEMOLITION DELAY

(⇅ Article inserted on March 6, 1995*)

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*Date of public notice: February 6, 1995 (see St. 1956, c. 665, s. 5).

SECTION 85-1. Statement of Purpose. The purpose of this Article is to establish a predictable process for reviewing requests to demolish certain buildings in order to: (1) establish an appropriate waiting period during which the City and the Applicant can propose and consider alternatives to the demolition of a building of historical, architectural, cultural or urban design value to the City; (2) provide an opportunity for the public to comment on the issues regarding the demolition of a particular building; and (3) minimize the number and extent of building demolitions where no immediate re-use of the site is planned.

SECTION 85-2. Definitions. For the purposes of this Article only, the following words and phrases, whether or not capitalized, shall have the following meanings:

1. "Applicant," means the person or persons filing an application for review under this Article.
2. "Application," means an application for review under this Article filed pursuant to Section 85-5.1.
3. "Application filing date," means the date on which the application was filed with the Landmarks Commission, pursuant to paragraph (b) of Section 85-5.1, or with the Inspectional Services Department, pursuant to paragraph (c) of Section 85-5.1.
4. "Commissioner of Inspectional Services," means said Commissioner or his or her designated representative.
5. "Day," means any day, including Saturdays, Sundays, and holidays, except where otherwise specified in this Article.
6. "Demolition," means any act of pulling down, destroying, razing, or removing a building, or the commencement of such work with the intent to complete the same.
7. "Demolition permit," means a permit issued by the Commissioner of Inspectional Services authorizing the demolition of a building pursuant to an application therefor.
8. "Downtown," means the area located east of the centerline of Massachusetts Avenue and north of the northern boundaries of the Massachusetts Turnpike Extension, and Fort Point Channel, but not including the Harborpark, as defined in this Section 85-2.
9. "Harborpark," means the areas governed by the zoning district identified as the Harborpark District in Section 3-1(f) of this Code.

10. "Landmarks Commission," means the Boston Landmarks Commission, as established by Chapter 772 of the Acts of 1975, as amended, and any successor organization thereto.
11. "Neighborhoods," means all the areas of the City not included in the Downtown or Harborpark, as defined in this Section 85-2.
12. "Significant building," means a building with respect to which the Landmarks Commission staff has made a determination, pursuant to Section 85-5.2, that further examination, including the public hearing required by Section 85-5.4, is warranted to determine whether a delay in demolition should be required, pursuant to Section 85-5.6.
13. "State Building Code," means the Massachusetts State Building Code, 780 CMR, as amended.

SECTION 85-3. Buildings Subject to Review. The following buildings are subject to review by the Landmarks Commission staff for the purpose of determining whether such buildings are significant, pursuant to Section 85-5.2.

1. In the Downtown and Harborpark. Any building located in the Downtown or Harborpark, as defined in Section 85-2.
2. In the Neighborhoods. Any building located in the Neighborhoods, as defined in Section 85-2, if:
 - (a) such building, or the portion thereof to which the application relates, is at least fifty (50) years of age; or
 - (b) such building is located in a Neighborhood Design Overlay District, as established by the provisions of this Code applicable to the building's location.

Notwithstanding any contrary provision of this Section 85-3, a building is not subject to review if it is: (1) located within a District or Protection Area designated by the Landmarks Commission pursuant to Chapter 772 of the Acts of 1975, as amended; (2) designated as a Landmark by the Landmarks Commission pursuant to said Chapter 772; (3) located within a Historic District designated by the Landmarks Commission pursuant to M.G.L. Chapter 40C; (4) located within the Historic Beacon Hill District created by Chapter 616 of the Acts of 1955, as amended; or (5) located within the Back Bay Architectural District created by Chapter 625 of the Acts of 1966, as amended.

SECTION 85-4. **Enforcement.**

1. Issuance of Demolition Permit. The requirements set forth in this Article are in addition to, and not in lieu of, the requirements of any other codes, ordinances, statutes, or regulations applicable to the demolition of buildings. The Commissioner of Inspectional Services shall not issue any demolition permit relating to a building that is subject to review, pursuant to Section 85-3, unless:
 - (a) The Commissioner deems that demolition is necessary, pursuant to subsection 2 of this Section 85-4; or
 - (b) The Commissioner: (i) has received a notice issued by the Landmarks Commission staff, pursuant to Section 85-5.2, that the building is not subject to review under this Article, pursuant to Section 85-3, or is not a significant building, pursuant to Section 85-5.3; or (ii) has not received such notice within the time period set forth in Section 85-5.2; or
 - (c) The Commissioner: (i) has received a notice issued by the Landmarks Commission, pursuant to Section 85-5.4, that no demolition delay is required pursuant to this Article; or (ii) has not received such notice within the time period set forth in Section 85-5.4; or
 - (d) The Commissioner has received a notice issued by the Landmarks Commission, pursuant to Section 85-5.8, that there is no feasible alternative to demolition; or
 - (e) The demolition delay period set forth in Section 85-5.6 has expired.
2. Required Demolition or Repair.
 - (a) Demolition. Nothing in this Article shall restrict the authority of Commissioner of Inspectional Services to order the building owner, or the City, to demolish a building at any time if the Commissioner determines that the condition of a building or part thereof presents an imminent and substantial danger to the public health or safety.
 - (b) Repair. Nothing in this Article shall restrict the authority of the Commissioner of Inspectional Services to require the Applicant to take reasonable action to prevent the need for required demolition of a significant building, which may include securing the building and making it safe so that it does not present an imminent and substantial danger to the public.

3. Issuance of Building, Use, or Occupancy Permit. If the Landmarks Commission staff has determined that a building is significant, pursuant to Section 85-5.2, the Commissioner of Inspectional Services shall not issue any building permit for the erection of a new building on the site of such significant building before issuing a demolition permit for such significant building in compliance with this Article.

If the Landmarks Commission has determined that a significant building has been voluntarily demolished in violation of this Article, the Commissioner of Inspectional Services shall not issue any building permit for new construction, or any use or occupancy permit for any use other than a park or recreational open space, with respect to the premises of such building for a period of two (2) years after the date of the Landmarks Commission's determination. As used herein, "premises" includes the parcel of land upon which the demolished significant building was located and all abutting parcels under common ownership or control.

The Applicant (or the owner of record, if different from the Applicant) shall be responsible for properly securing the building during the time that it is subject to review under this Article. If a significant building is subject to demolition delay, pursuant to Section 85-5.6, and the Applicant fails to secure the building, the loss of the building due to fire or other causes shall be considered voluntary demolition for the purposes of this Section 85-4.3.

SECTION 85-5. Procedure.

1. Application. An application for review under this Article shall be made in the manner provided in this subsection 1. If the Applicant is not the owner of record of the building, the owner or owners of record shall co-sign the application.
 - a. Time for Filing Application. The Applicant (or building owner) is encouraged to apply for review under this Article as early as possible, so that any necessary review, and any delay period required by this Article, may be completed prior to, or during, any other review to which the building or its site may be subject.

If a Proposed Project, a Planned Development Area Plan (or an amendment thereof), or an Institutional Master Plan (or an amendment thereof) will involve the demolition of an existing building, the applicant for approval of such Proposed Project or Plan (or the owner of such existing building, if different from the applicant) is strongly encouraged to request review under this Article before requesting review by the Boston Redevelopment Authority and Board of Appeal, and before such applicant (or owner) incurs expenses in

connection with the planning and design of the Proposed Project or Plan. If such applicant (or owner) fails to request sufficiently early review under this Article, the approval by the Boston Redevelopment Authority of the Proposed Project or Plan, and the grant of any permission by the Board of Appeal, shall not limit the discretion of the Landmarks Commission or its staff to require a delay in demolition pursuant to this Article, and expenses incurred in connection with such Proposed Project or Plan shall not be considered hardship for purposes of evaluating the feasibility of alternatives to demolition.

- b. Application for Early Review. At any time prior to filing an application for a demolition permit, the Applicant may apply for review under this Article by submitting a request in writing to the Landmarks Commission. Such request shall indicate that review is sought under this Article for the demolition of a building and shall specify the building's address and its ward and parcel number.
 - c. Application for Review in Connection with Application for Demolition Permit. If the Applicant has not requested early review under this Article, pursuant to paragraph (b) of this subsection 1, application for review under this Article shall be made in connection with an application for a demolition permit from the Inspectional Services Department. Within three (3) days after receipt of an application for a demolition permit, the Inspectional Services Department shall transmit a copy of such application to the Landmarks Commission, and such permit application shall constitute the application for review under this Article.
2. Staff Determination: Applicability of Review and Significance of Building. After its receipt of an application, pursuant to subsection 1 of this Section 85-5, the Landmarks Commission staff shall determine:
(1) whether the building is subject to review under this Article, pursuant to Section 85-3, and (2) whether the building is a significant building, pursuant to the criteria set forth in subsection 3 of this Section 85-5.

The Landmarks Commission staff shall issue a notice of its determination within ten (10) days after the application filing date. If the Landmarks Commission staff determines that the building is significant, such notice shall:

- (a) indicate that the Landmarks Commission will hold a public hearing within the time period required by subsection 4 of this Section 85-5; and

- (b) invite the Applicant to submit any information that the Applicant believes will assist the Landmarks Commission in: (i) determining whether the building is subject to demolition delay according to the criteria set forth in subsection 5 of this Section 85-5, and (ii) evaluating alternatives to demolition, pursuant to subsection 7 of this Section 85-5.
3. Criteria for Determining Significance. The Landmarks Commission staff shall determine that the building to which the application relates is a significant building if:
- (a) the building is listed in the Landmarks Commission's Comprehensive Preservation Survey as a building that is: (i) listed on the National Register of Historic Places; (ii) recommended for such listing; or (iii) the subject of a pending application for such listing; or
 - (b) the building is the subject of a petition to the Landmarks Commission for designation as a Boston Landmark; or
 - (c) the Landmarks Commission staff finds that the building is historically or architecturally significant because of period, style, method of building construction, or important association with a famous architect or builder; or
 - (d) the Landmarks Commission staff finds that the building has an important association with one or more historic persons or events, or with the broad architectural, cultural, political, economic, or social history of the City; or
 - (e) the Landmarks Commission staff finds that the building is one whose loss would have a significant negative impact on the historical or architectural integrity or urban design character of the neighborhood.
4. Landmarks Commission Hearing to Determine Whether Significant Building is Subject to Demolition Delay.
- a. Hearing Requirement; Time for Issuance of Determination. If the Landmarks Commission staff has determined that a building is significant, pursuant to subsection 2 of this Section 85-5, the Landmarks Commission shall hold a public hearing to determine whether the building is subject to the demolition delay required by subsection 6 of this Section 85-5. At such hearing, the Landmarks Commission also may consider alternatives to demolition, as provided in paragraph (c) of this subsection 4. The Landmarks Commission

shall issue its determination pursuant to such hearing within forty (40) days after the application filing date.

- b. Criteria for Requiring Demolition Delay. The Landmarks Commission shall make its determination concerning the requirement of demolition delay according to the criteria set forth in subsection 5 of this Section 85-5. The Applicant is encouraged to present any information the Applicant believes will assist the Landmarks Commission in making its determination.
 - c. Early Determination of No Feasible Alternative. At the hearing required by this subsection 4, the Applicant may present any information the Applicant believes will assist the Landmarks Commission in evaluating alternatives to demolition, pursuant to subsection 7 of this Section 85-5. If, at such hearing, the Landmarks Commission finds that demolition delay is required, and also finds that the information presented at such hearing is sufficient for the Commission to issue a determination that there is no feasible alternative to demolition, pursuant to subsection 8 of this Section 85-5, the Landmarks Commission shall issue such determination within the time period set forth in this subsection 4 for the issuance of the Landmarks Commission's hearing determination.
 - d. Hearing Notice and Procedure. Except where otherwise specified in this Article, the conduct of any public hearing held pursuant to this subsection 4, including public notices, hearing procedures, votes, records, and the like, shall be governed by the rules and procedures established by the Landmarks Commission through its duly adopted regulations and by-laws.
 - e. Notice of Determination. Any determination issued pursuant to this subsection 4 shall specify the reasons for such determination. Such determination shall state whether or not demolition delay, pursuant to subsection 6 of this Section 85-5, is required. If such demolition delay is required, and the Landmarks Commission has not determined, pursuant to paragraph (c) of this subsection 4, that there is no feasible alternative to demolition, such determination shall specify the date on which such delay period will expire, pursuant to subsection 6 of this Section 85-5.
5. Criteria for Determination that Building is Subject to Demolition Delay. To determine that a significant building is subject to the demolition delay required by subsection 6 of this Section 85-5, the Landmarks Commission must find that, in the public interest, it is preferable that the building be

preserved or rehabilitated rather than demolished. In making such finding, the Landmarks Commission shall consider the following criteria:

- (a) The building's historic, architectural, and urban design significance;
- (b) Whether the building is one of the last remaining examples of its kind in the neighborhood, the City, or the region; and
- (c) The building's condition.

6. Demolition Delay.

- a. Delay Period. If the Landmarks Commission has issued a determination, pursuant to subsection 4 of this Section 85-5, that a significant building is subject to demolition delay, the Commissioner of Inspectional Services shall not issue a demolition permit, pursuant to paragraph (e) of Section 85-4.1, until ninety (90) days have elapsed following the close of the public hearing held pursuant to subsection 4 of this Section 85-5.

Upon expiration of the delay period required by this subsection 6, the Landmarks Commission shall issue a notice in writing stating that such delay period has expired, and the date of such expiration, unless the Landmarks Commission has issued a determination, pursuant to subsection 8 of this Section 85-5, that there is no feasible alternative to demolition.

- b. Invitation to Consider Alternatives. If the Landmarks Commission has determined that a significant building is subject to demolition delay, and has not determined, at the hearing required by subsection 4 of this Section 85-5, that there is no feasible alternative to demolition, the Landmarks Commission shall invite the Applicant (or the owner of record, if different from the Applicant) to participate in an investigation of alternatives to demolition, pursuant to subsection 7 of this Section 85-5. The Landmarks Commission also shall invite the participation, on an advisory basis, of the Commissioner of Inspectional Services, the Director of the Boston Redevelopment Authority, and the Chairperson of the Boston Civic Design Commission, as well as any individual or representative of any group whose participation the Applicant (or owner) requests, or approves, in writing.

- 7. Evaluation of Alternatives to Demolition. In evaluating alternatives to demolition pursuant to this Article, the Landmarks Commission may consider such possibilities as: the incorporation of the building into the

future development of the site; the adaptive re-use of the building; the use of financial incentives for the rehabilitation of the building; the removal of the building to another site; and, with the owner's consent, the search for a new owner willing to purchase the building and preserve, restore, or rehabilitate it.

In evaluating alternatives to demolition, the Landmarks Commission shall consider, and shall invite the Applicant to present, the following information:

- (a) The cost of stabilizing, repairing, rehabilitating, or re-using the building;
 - (b) Any definite plans for the re-use of the property if the proposed demolition is carried out, and the effects such plans would have on the architectural, social, aesthetic, historic, and urban design character of the surrounding area, as well as on the economy of the area or of the City as a whole;
 - (c) Any conditions the Applicant proposes to accept for the redevelopment of the site that would mitigate the loss of the building; and
 - (d) The availability of other sites for the Applicant's intended purpose or use.
8. Determination of No Feasible Alternative. If, based on its evaluation of alternatives to demolition pursuant to subsection 7 of this Section 85-5, the Landmarks Commission is satisfied that there is no feasible alternative to demolition, the Landmarks Commission may issue a determination prior to the expiration of the delay period required by subsection 6 of this Section 85-5 authorizing the Commissioner of Inspectional Services to issue a demolition permit pursuant to paragraph (d) of Section 85-4.1.
9. Notice. Any determination or notice issued by the Landmarks Commission or its staff pursuant to this Article shall be transmitted in writing to the Applicant, with copies to the Commissioner of Inspectional Services, the Boston Redevelopment Authority, the Boston Civic Design Commission and, where applicable, to any individual or group that the Landmarks Commission has invited to participate in an exploration of alternatives to demolition, pursuant to subsection 6 of this Section 85-5.

SECTION 85-6. Regulations. The Landmarks Commission may promulgate regulations to administer this Article.

SECTION 85-7. **Massachusetts Historic Districts Act.** If any provisions of this Article conflict with M.G.L. Chapter 40C (the "Massachusetts Historic Districts Act"), the provisions of the Massachusetts Historic Districts Act shall govern.

SECTION 85-8. **Severability.** The provisions of this Article are severable, and if any provision of this Article shall be held invalid by a decision of any court of competent jurisdiction, such decision shall not impair or otherwise affect any other provision of this Article.

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⇅ ARTICLE 86

WIRELESS COMMUNICATIONS EQUIPMENT

(⇅ Article inserted on October 26, 1995*)

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*Date of public notice: July 10, 1995 (see St. 1956, c. 665, s.5).

SECTION 86-1. Statement of Purpose. The purpose of this Article is to establish predictable and balanced regulations for the siting and screening of wireless communications equipment in order to accommodate the growth of wireless communications systems within the City of Boston while protecting the public against any adverse impacts on the City's aesthetic resources and the public welfare.

SECTION 86-2. Definitions. The words and phrases used in this Article, whether or not capitalized, shall have the meanings set forth in Article 2A, except as set forth in this Section 86-2 or as otherwise specified in this Article. For the purposes of this Article, the following words and phrases shall have the meanings indicated:

1. "Antenna," means any antenna mounted out-of-doors for the wireless transmission or reception of electro-magnetic communications signals, but excluding: (a) communications dishes and (b) any antenna measuring less than five (5) feet from base to top that is mounted on a building or vehicle and used solely for the reception of signals for use within the building or vehicle on which the antenna is mounted. "Antenna" includes any device or structure, other than an equipment mounting structure, that is used primarily to attach the antenna to land or to a building or structure.
2. "Communications dish," means any device mounted out-of-doors for the wireless transmission or reception of electro-magnetic communications signals if the surface containing or surrounding the receiving or transmitting device is greater than one (1) foot in width or diameter. "Communications dish" includes any device or structure, other than an equipment mounting structure, that is used primarily to attach such reception or transmission device to land or to a building or structure.
3. "Designated children's play area," means any open space recognized as a children's play area by the City of Boston Parks and Recreation Department or any successor organization thereto.
4. "District," means any zoning designation applicable to a geographic area, including but not limited to districts, subdistricts, overlay districts and special study areas, and any geographic area to which such designation applies.
5. "Equipment mounting structure," means any structure that is used primarily to support reception or transmission equipment and that measures twelve (12) feet or more in its longest vertical dimension. "Equipment mounting structure" includes any accessory mechanical or electronic equipment attached to the supporting structure that is required for the operation of the reception or transmission equipment and any accessory structures used solely for the housing of the equipment mounting structure and its accessory equipment. Examples of equipment mounting structures include,

but are not limited to, monopoles and lattice towers. "Equipment mounting structure" does not include structures used primarily for other purposes, such as water towers, smokestacks, church spires and the like.

6. "Park," means any open space recognized as a park by the City of Boston Parks and Recreation Department or any successor organization thereto.
7. "Proposed installation," means the erection, installation, or extension of any wireless communications equipment that is subject to the provisions of this Article.
8. "Reception and transmission equipment," means antennas, communications dishes and any similar devices used for the wireless transmission or reception of electro-magnetic communications signals.
9. "Residential district," means the following zoning districts and subdistricts:

S	- Single Family Residential
R	- General Residential
H	- Apartment
1F	- One Family
2F	- Two Family
3F	- Three Family
MFR	- Multifamily Residential
MFR/LS	- Multifamily Residential/Local Service
WR	- Waterfront Residential
10. "Wireless communications equipment," means equipment mounting structures and reception and transmission equipment.

SECTION 86-3. Applicability. No wireless communications equipment shall be erected or installed out-of-doors except in compliance with the provisions of this Article. The provisions of this Article apply to all wireless communications equipment, whether such equipment is used as a main use or as an accessory use or subuse; provided, however, that the provisions of this Article shall not apply to: (a) any wireless communications equipment mounted on the roof of a building that has a building height in excess of two hundred (200) feet; (b) any equipment mounting structure installed pursuant to a building permit issued prior to the first notice of hearing before the Zoning Commission for adoption of this Article, or the replacement of such equipment mounting structure with another equipment mounting structure in the same location, provided that any such replacement structure complies with all the dimensional requirements of this Article for equipment mounting structures in such location and with the design requirements of Section 86-4.3; or (c) any reception and transmission equipment validly installed prior to the first notice of hearing before the Zoning Commission for adoption of this Article, or the replacement of any such

reception and transmission equipment with other reception and transmission equipment in the same location, provided that any such replacement equipment complies with all the dimensional requirements of this Article for reception and transmission equipment in such location and with the design requirements of Section 86-4.3, and provided further that the number and dimensions of any communications dishes added to an equipment mounting structure do not exceed the number or dimensions of the communications dishes removed from such structure. Exceptions to the provisions of this Article, pursuant to Article 6A, shall not be available except to the extent expressly provided in this Article or Article 6A. Where conflicts exist between this Article and the remainder of this Code, the provisions of this Article shall govern.

↕ **SECTION 86-4. Design Review and Design Requirements for All Communications Equipment.** Design review, where required by this Section 86-4, shall be conducted under the Design Component of Small Project Review; provided, however, that if a Proposed Installation is part of a Proposed Project that is subject to, or elects to comply with, Large Project Review, the design review required by this section may be conducted as part of such review.

1. Purpose of Design Review. The purpose of the design review requirement of this Section 86-4 is to ensure that wireless communications equipment is sited, designed and screened in a manner that is sensitive to the surrounding neighborhood.
2. Applicability of Design Review. The design review requirement of this Section 86-4 applies to the following Proposed Installations:
 - (a) Equipment Mounting Structures. Any Proposed Installation of an equipment mounting structure, except where such equipment mounting structure is exempt from the provisions of Section 86-5 (Use and Dimensional Regulations for Equipment Mounting Structures) pursuant to Section 86-5.1(b) (Equipment Mounting Structures on Rooftops and Facades).
 - (b) Zoning Relief. Any Proposed Installation requiring zoning relief from any provision of this Article.

If a Proposed Installation is located in any of the following districts:

- M - Restricted Manufacturing
- I - General Industrial
- LI - Local Industrial
- IDA - Industrial Development Area
- LIA - Logan International Airport

the Boston Redevelopment Authority may waive the design review requirement of this Section 86-4 if the Boston Redevelopment Authority determines that the Proposed Installation will not be visible from a public street in a district other than one in which design review may be waived pursuant to this subsection 2 of Section 86-4. Any Proposed Installation for which design review is waived, pursuant to this subsection 2, shall comply with the design requirements of subsection 3 of this Section 86-4.

3. Design Requirements Where Design Review is Not Required. All wireless communications equipment that is not subject to design review shall be painted or otherwise colored to minimize the equipment's visibility and shall comply with any screening and buffering requirements of this Code applicable to the district in which such equipment is located. Equipment that is visible against a building or structure shall be colored to blend with such building or structure. Equipment that is visible against the sky or other background shall be colored in a shade that will minimize its visibility against such background.
4. Information Required for Design Review. The information required for design review shall include such plans, drawings, photographs and specifications as are necessary for the Boston Redevelopment Authority to determine that the Proposed Installation is consistent with the standards set forth in subsection 5 (Design Guidelines) of this Section 86-4. Such materials shall describe or illustrate, for such Proposed Installation, the dimensions, location and appearance of all:
 - (a) proposed wireless communications equipment;
 - (b) existing buildings, structures, and equipment mounting structures to which the proposed wireless communications equipment will be attached, and those within the visible context of such proposed equipment; and
 - (c) proposed methods for minimizing the visibility of the Proposed Installation, including all structures, screening, landscaping, cladding materials, and the like.
5. Design Guidelines. This subsection establishes the following design guidelines for Proposed Installations:
 - (a) All wireless communications equipment should be sited, designed and screened to minimize the visibility of such equipment from surrounding public streets and neighborhoods.

- (b) Where wireless communications equipment is attached to an existing building or structure, such equipment should be integrated into such existing building or structure in a manner that blends with the architectural characteristics of such building or structure.
- (c) Where wireless communications equipment is not attached to an existing building or structure, such equipment should reflect and complement the architectural character of the surrounding neighborhood or should be screened from view in a manner compatible with such architectural character. Ground-mounted equipment should be screened from view by suitable vegetation, except where a design of non-vegetative screening or cladding better reflects and complements the architectural character of the surrounding neighborhood.
- (d) Where wireless communications equipment is visible from surrounding streets and neighborhoods, the color of such equipment should be selected to minimize the equipment's visibility. For equipment that will be visible against the sky, the use of black is discouraged, and the use of white, gray or other light shades is encouraged.

(↑ As amended on July 31, 1997.)

↓ SECTION 86-5. **Use and Dimensional Regulations for Equipment Mounting Structures.**

1. Regulations Applicable in All Districts.

- (a) Installation of Reception and Transmission Equipment on Equipment Mounting Structures. Except as otherwise provided in Section 86-3 (Applicability), no reception or transmission equipment may be installed on an equipment mounting structure unless such equipment mounting structure is in compliance with the applicable provisions of this Article.
- (b) Equipment Mounting Structures on Rooftops and Facades. Where an equipment mounting structure is mounted on the roof or facade of a building or structure, such equipment mounting structure shall not be subject to the provisions of this Section 86-5 but shall instead be subject to the provisions of Section 86-6.1 (Use and Dimensional Regulations for Rooftop and Facade-Mounted Antennae).

2. Regulations for Industrial and Airport Districts. The provisions of this subsection 2 apply to any equipment mounting structure located in any of the following districts:

M - Restricted Manufacturing
I - General Industrial
LI - Local Industrial
IDA - Industrial Development Area
LIA - Logan International Airport

(a) Use Conditional

(b) Maximum height 200 feet
(measured from grade)

(c) Setbacks

- from street line 20 feet

- from residential districts,
open space districts, parks
and designated children's
play areas, and from
buildings used for
residential, kindergarten,
or elementary or secondary
school use 150 feet

3. Regulations for Certain Non-Residential Districts. The provisions of this subsection 3 apply to any equipment mounting structure located in any of the following districts:

B - General Business
NS - Neighborhood Shopping
CC - Community Commercial
CF - Community Facilities
EDA - Economic Development Area
NI - Neighborhood Institutional
ID/IS - Institutional
MER - Maritime Economy Reserve

(a) Use Conditional

(b) Maximum height 150 feet
(measured from grade)

(c) Setbacks

- from street line 50 feet

- from residential districts,
open space districts, parks
and designated children's
play areas, and from
buildings used for
residential, kindergarten,
or elementary or secondary
school use 150 feet

- from lot lines 20 feet

4. Regulations for All Other Districts. Equipment mounting structures are Forbidden wherever they are not specifically Allowed or Conditional. Such areas include, but are not necessarily limited to, parks and the following districts:

Downtown

Residential

L - Local Business

LC - Local Convenience

NDA - Neighborhood Development Area

CPS - Conservation Protection

CE - Corridor Enhancement

GPOD - Greenbelt Protection Overlay Districts

OS - Open Space

Harborpark and other waterfront (except MER)

(↑As amended on July 31, 1997.)

SECTION 86-6. Use and Dimensional Regulations for Reception and Transmission Equipment.

1. Rooftop and Facade-Mounted Antennae. The provisions of this Section 86-6.1 apply to any antenna that is mounted on the exterior of any building or structure, other than an equipment mounting structure. The provisions of this Section 86-6.1 also apply to certain equipment mounting

structures, as provided in paragraph (b) (Equipment Mounting Structures on Rooftops and Facades) of Section 86-5.1.

(a) Use Regulations.

- (i) Non-Residential Districts. Any antenna to which the provisions of this Section 86-6 apply is an Allowed use in any district that is not a Residential district.
- (ii) Residential Districts. Any antenna to which the provisions of this Section 86-6 apply is a Conditional use in any Residential district; provided, however, that any such antenna shall be Allowed in such district if such antenna is used exclusively as a subuse of one or more Institutional Uses, as defined in Article 2A.

(b) Dimensional Regulations. Any antenna to which the provisions of this Section 86-6 apply is subject to the provisions of this subsection (b). For purposes of this subsection (b), the words "roof" and "facade" mean the top and side exterior surfaces, respectively, of any building or structure, other than an equipment mounting structure. For a structure that is not a building, "cornice line" means the top edge of the facade to which the antenna is attached.

(i) Roof-Mounted Antennae

(1) Maximum height above roof:

<u>- Height of Building or Structure</u>	<u>Maximum Height of Antenna</u>
• More than 45 feet	20 feet, or 20% of building height, whichever is greater.
• 15-45 feet	10 feet
• Less than 15 feet	6 feet

(2) Setback from roof edge: 10 feet, or 10% of roof depth (measured from edge facing public street to opposite edge of roof), whichever is greater.

(ii) Facade-Mounted Antennae

- | | |
|--|---------|
| (1) Maximum height above
cornice line | 5 feet |
| (2) Setback from buildings
used for residential,
kindergarten, or elementary
or secondary school use,
and from designated
children's play areas | 50 feet |

2. Communications Dishes. The provisions of this Section 86-6.2 apply to any communications dish that is mounted on the ground or on the roof of a building or structure, other than an equipment mounting structure.

Except where otherwise specified in this Section 86-6.2, any communications dish that is subject to the provisions of this Section 86-6.2 is an Allowed use in all districts.

The following regulations concerning the dimensions and location of communications dishes apply to any communications dish that is subject to the provisions of this Section 86-6.2, except where such communications dish: (1) measures not more than eighteen inches (18") in width or diameter, or (2) is accessory to, and on the same lot as, a lawfully permitted radio or television studio, as defined in Use Item 48 of Section 8-7 or in Article 2A.

- (a) Regulations for Industrial and Airport Districts. The provisions of this subsection (a) apply in the following districts:

- | | |
|-----|-------------------------------|
| M | - Restricted Manufacturing |
| I | - General Industrial |
| LI | - Local Industrial |
| IDA | - Industrial Development Area |
| LIA | - Logan International Airport |

(i) Setbacks

- | | |
|------------------|--|
| - from lot line | 5 feet |
| - from districts | 25 feet from residential districts, open space districts, parks, and designated children's play areas. |

- (ii) Yard restrictions Front Yard: Front Yard location is Forbidden, unless there is no other feasible location on the lot, in which case the Front Yard location is Conditional.

- (b) Regulations for Certain Non-Residential Districts. The provisions of this subsection (b) apply in the following districts:

B - General Business
NS - Neighborhood Shopping
CC - Community Commercial
CF - Community Facilities
EDA - Economic Development Area
NI - Neighborhood Institutional
ID/IS - Institutional
MER - Maritime Economy Reserve

- (i) Setbacks

- from lot line 5 feet

- from districts 25 feet from residential districts, open space districts, parks, and designated children's play areas.

- (ii) Maximum width or diameter of dish 16 feet

- (iii) Maximum height
(measured from mounting surface to highest point of dish) 20 feet

- (iv) Rooftop and yard restrictions Rooftop: Rooftop location is Forbidden unless the roof has a slope of 5 degrees or less, and the setback from roof edge is at least: (1) 10 feet, or (2) 10% of the roof depth (measured from edge facing street to opposite edge of roof), whichever is greater.

Front Yard: Front Yard location is Forbidden, unless there is no other feasible location on the lot, in which case the Front Yard location is Conditional.

Notwithstanding any contrary provision of this subsection (b) of Section 86-6.2, the provisions of this subsection (b) shall not apply within an Institutional district or subdistrict to any communications dish that is used exclusively as a subuse of one or more Institutional Uses, as defined in Article 2A, provided that the distance between such dish and any residential district, open space district, park, or designated children's play area is not less than fifty (50) feet.

- (c) Regulations for Residential Districts and Certain Non-Residential Districts. The provisions of this subsection (c) apply in the following districts:

Residential

- L - Local Business
- LC - Local Convenience
- NDA - Neighborhood Development Area
- CPS - Conservation Protection
- CE - Corridor Enhancement
- GPOD - Greenbelt Protection Overlay Districts

No zoning relief under Article 6 may be granted from the following requirements.

- (i) Setbacks

- from lot line 10 feet
- from districts 25 feet from residential districts, open space districts, parks, and designated children's play areas.

- (ii) Maximum width or diameter of dish 7.5 feet

- (iii) Maximum height
(measured from mounting surface to highest point of dish) 10 feet

(iv) Rooftop and yard restrictions

Rooftop: Rooftop location is Forbidden, unless: (1) there is no other feasible location on the lot; or (2) the only other feasible location on the lot is the Front Yard; in such case, the rooftop location is Conditional.

Front Yard: Front Yard location is Forbidden, unless there is no other feasible location on the lot, in which case the Front Yard location is Conditional.

Side Yard: Side Yard location is Conditional.

Notwithstanding any contrary provision of this subsection (c) of Section 86-6.2, the provisions of this subsection (c) shall not apply to any communications dish that is located within an area designated by the Zoning Commission as an Institutional Master Plan Area, provided that such dish is used exclusively as a subuse of one or more Institutional Uses, as defined in Article 2A, and provided further that there is a distance of not less than fifty (50) feet between such dish and any open space district, park, designated children's play area, or any building used for a residential, kindergarten, or elementary or secondary school use.

(d) Regulations for Open Space Districts and Parks. The provisions of this subsection (d) apply in Open Space (OS) districts and in parks.

(i) Maximum width or diameter of dish 18 inches

No zoning relief from this requirement may be granted under Article 6.

SECTION 86-7. Performance Standards for All Wireless Communications Equipment. The provisions of this Section 86-7 apply to all wireless communications equipment.

1. Removal of Equipment Not in Use. Any wireless communications equipment that is no longer in active use shall be removed within twelve (12) months after cessation of active use.

2. Compliance with Federal and State Regulations. All wireless communications equipment shall be in compliance with all applicable federal and state regulations.

SECTION 86-8. **Special Requirements for Zoning Relief.**

1. General Requirements. In granting any zoning relief from the provisions of this Article or Code for any Proposed Installation, the Board of Appeal shall consider the proximity of the Proposed Installation to residences, designated children's play areas, kindergartens, and elementary and secondary schools.
2. Relief from Dimensional Requirements. Except where otherwise specified in this Article, the Board of Appeal may grant zoning relief from the dimensional regulations of this Article in accordance with the procedure set forth in Article 6 and the requirements of this Section 86-4, provided that, in addition to the requirements set forth in this Section 86-8 and Article 6, the Board of Appeal finds that the Proposed Installation meets all of the following criteria:
 - (a) the Proposed Installation is in substantial accord with the applicable dimensional requirements of this Article;
 - (b) the Proposed Installation is consistent with the design specifications and recommendations made by the Boston Redevelopment Authority pursuant to Section 86-4 (Design Review); and
 - (c) the Proposed Installation results in impacts no greater than would result from complying with the applicable dimensional requirements of this Article.
3. Zoning Relief in Institutional Master Plan Areas, Planned Development Areas, and Urban Renewal Areas. Notwithstanding any contrary provision of this Article, the following procedures apply to the grant of zoning relief from the provisions of this Article for any Proposed Installation in an Institutional Master Plan Area, Planned Development Area, or Urban Renewal Area:
 - (a) Institutional Master Plan Area. Within any area designated by the Zoning Commission as an Institutional Master Plan Area, zoning relief for a Proposed Installation may be granted through any of the following: (i) a certification from the Director of the Boston Redevelopment Authority to the Commissioner of Inspectional Services that the Proposed Installation is consistent with an approved Institutional Master Plan applicable to such Institutional Master Plan

Area; (ii) the approval of a Proposed Institutional Project in an Institutional Master Plan, according to the procedures applicable to such Institutional Master Plan, where the description of such Proposed Institutional Project includes a description of the location and dimensions of the Proposed Installation; or (iii) the amendment of an Institutional Master Plan, according to the procedures applicable to such Institutional Master Plan, where such amendment describes the location and dimensions of the Proposed Installation; such amendment may be approved pursuant to any applicable regulations for the expedited review of an Institutional Master Plan amendment.

- (b) Planned Development Areas and Urban Renewal Areas. Within any area designated by the Zoning Commission as a Planned Development Area or Urban Renewal Area special purpose overlay district, zoning relief for a Proposed Installation may be granted by the Board of Appeal, pursuant to the provisions of Article 6A, or by the Zoning Commission.

SECTION 86-9. **Regulations.** The Boston Redevelopment Authority may promulgate regulations to administer this Article.

SECTION 86-10. **Severability.** The provisions of this Article are severable, and if any provision of this Article shall be held invalid by any decision of any court of competent jurisdiction, such decision shall not impair or otherwise affect any other provision of this Article.

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APPENDIX 1

Fees Charged by the Commissioner, Inspectional Services Department, for Appeal to the Board of Appeal

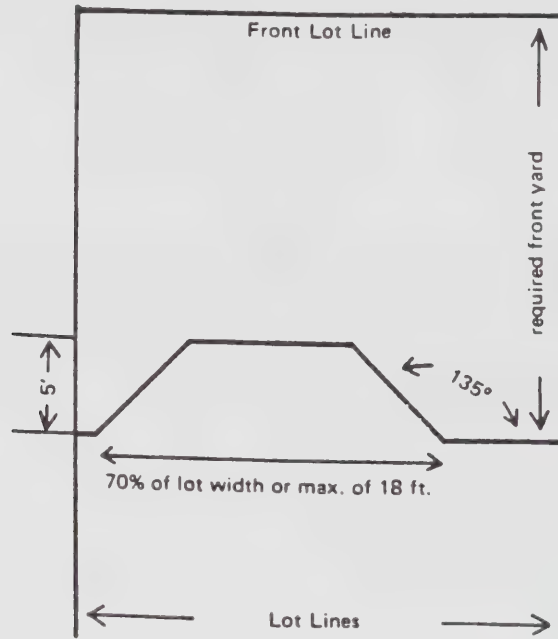
Appeal to Board of Appeal Under Zoning Law: The entry fee which shall be paid to the Commissioner, Inspectional Services Department, for each appeal under Section 8 of Chapter 665 of the Acts of 1956, as amended, to the Board of Appeal from a refusal, order or decision of an administrative official shall be, in the case of a structure which, if such appellant prevails, is to be used exclusively for dwelling purposes by not more than three families and no other use, \$100.00 (which shall include the cost to the city of publishing and sending notices of hearing as required by law), and in the case of each and every other structure the fee shall be \$100.00 for each condition, provision, use item restriction or dimensional requirement (which shall include the cost to the city of publishing and sending notices of hearing as required by law) sought by the appellant.

APPENDIX 2 ILLUSTRATIONS

Prepared by The BOSTON REDEVELOPMENT AUTHORITY

SECTION 2-1 (3B) "Bay Window"

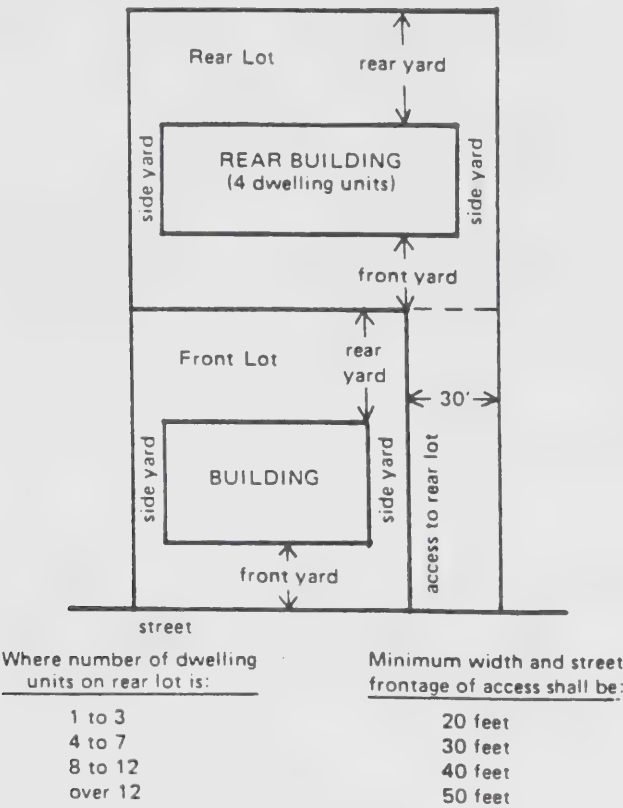
Allowed to protrude into front yard if it is entirely contained within these dimensions:



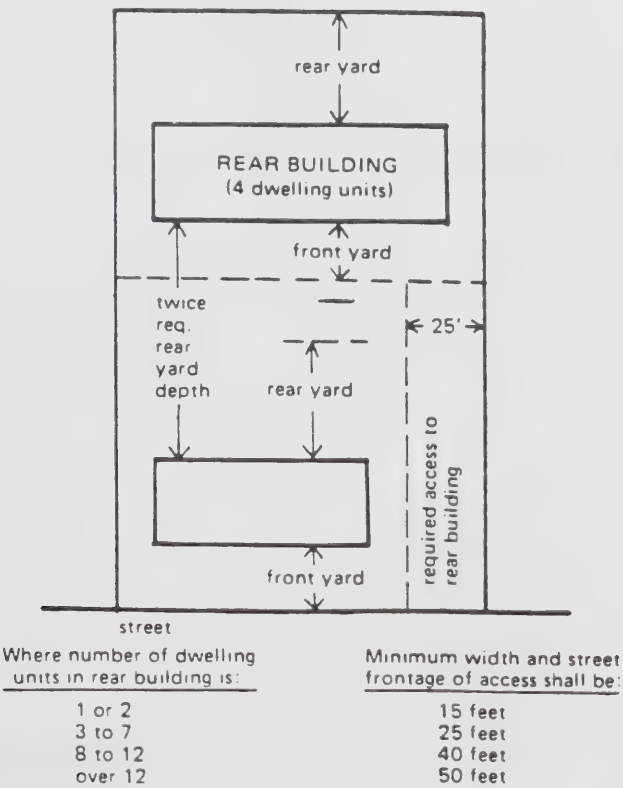
SECTION 14-1 Minimum Lot Size

R-5 DISTRICT		R-8 DISTRICT	
100 ft. 1 Dwelling Unit 5,000 s.f.	2 Dwelling Units 1st. - 5,000 sq. ft. 2nd. - 3,000 sq. ft. 8,000 sq. ft.	2 Dwelling Units 1st. - 5,000 s.f. 2nd. - 1,500 s.f. 6,500 s.f.	4 Dwelling Units 1st. - 5,000 sq. ft. 2nd. - 1,500 " " 3rd. - 1,500 " " 4th. - 1,500 " " 9,500 sq. ft.
50 ft.	80 ft.	65 ft.	95 ft.

SECTION 14-4 (b). Lot Frontage: Lot located to rear of another lot or lots:



SECTION 14-5. Lot Frontage: Building on rear of a lot.

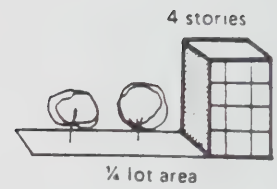
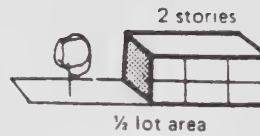


SECTION 15-1 Floor Area Ratio

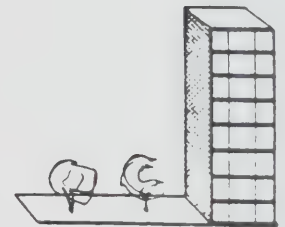
0.5



1.0



2.0



Floor Area Ratio is the ratio of the total area of all floors in the building to the area of the lot. It measures building density directly and population density indirectly.

Examples

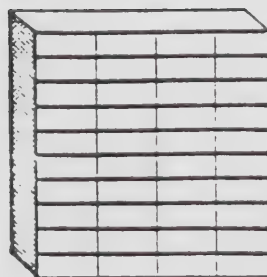
To calculate maximum gross floor area on a lot:

Lot size (3500 sq. ft.) $\times$ F.A.R. (0.8) = 2,800 sq. ft. permissible gross floor area on all floors

To calculate floor area ratio of building(s) on a lot:

Gross floor area (14,000 sq. ft.) $\div$ Lot size (8,000 sq. ft.) = 1.75 F.A.R.
(permitted in district with maximum F.A.R. of 2 or more)

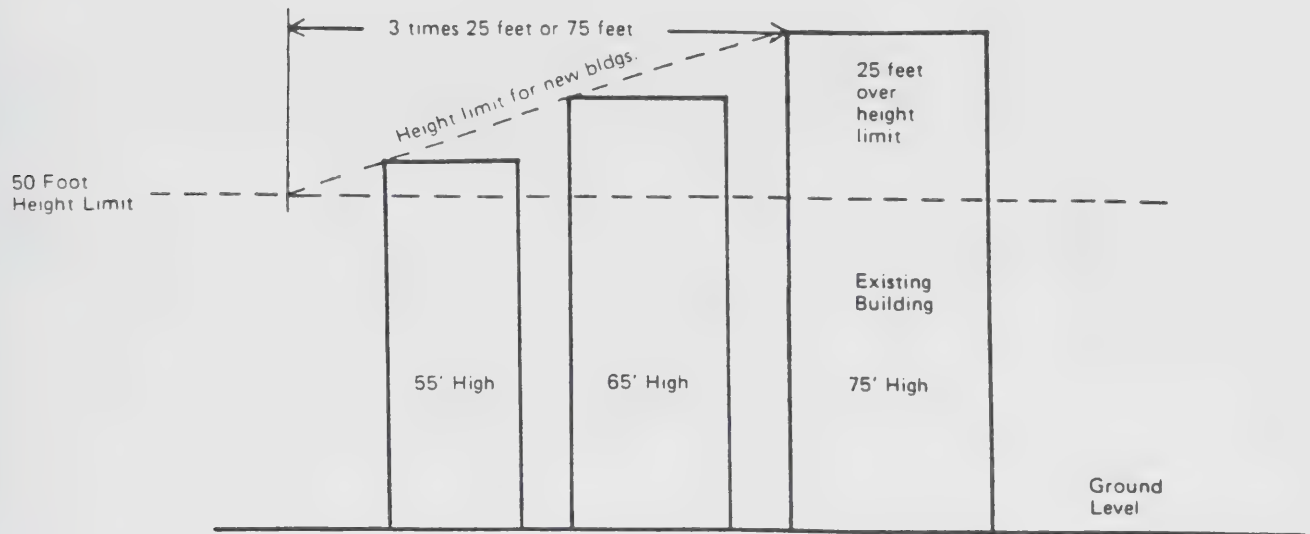
10.0



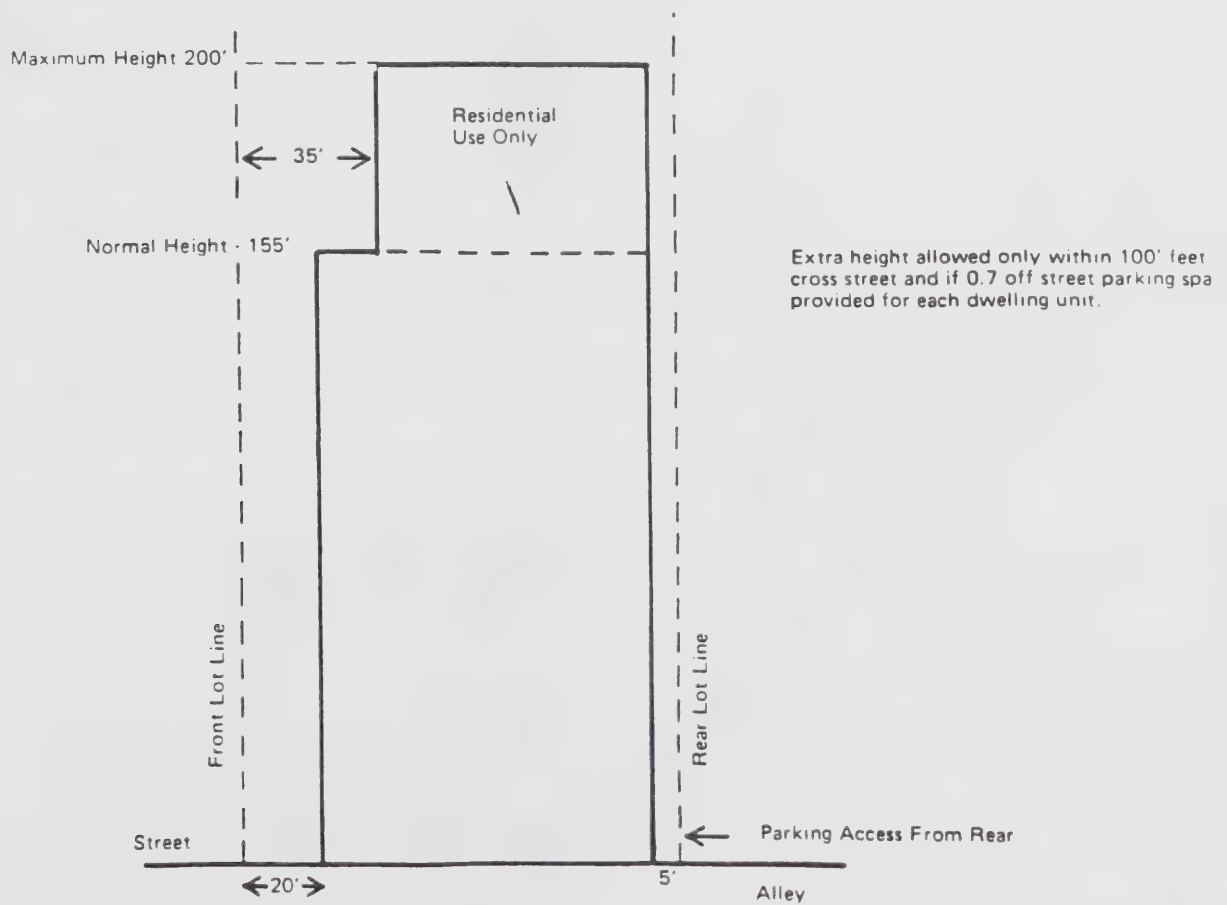
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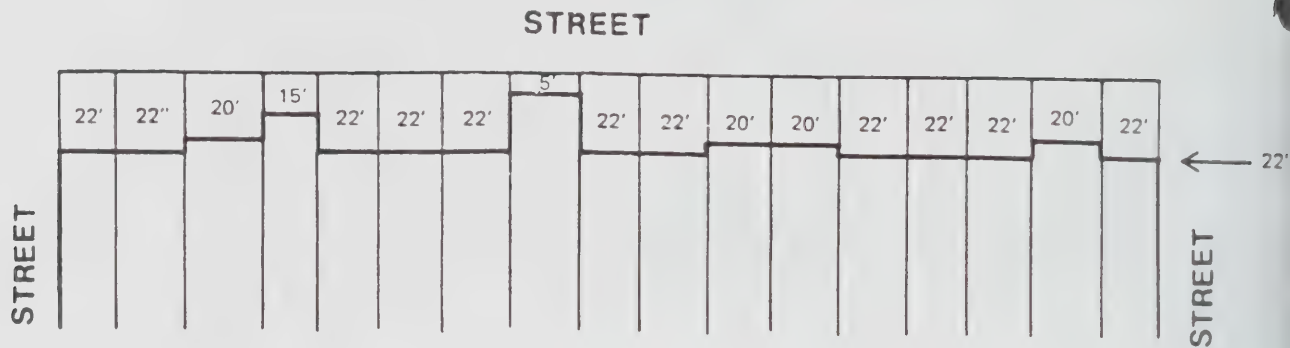
SECTION 16-3. Height of Buildings: Exceptions Adjoining Nonconforming Buildings.



SECTION 16-5. Height of Buildings: Exceptions in a B-10-155 District.



SECTION 18-1 and 18-2. "Most frequently occurring" front yard depth.

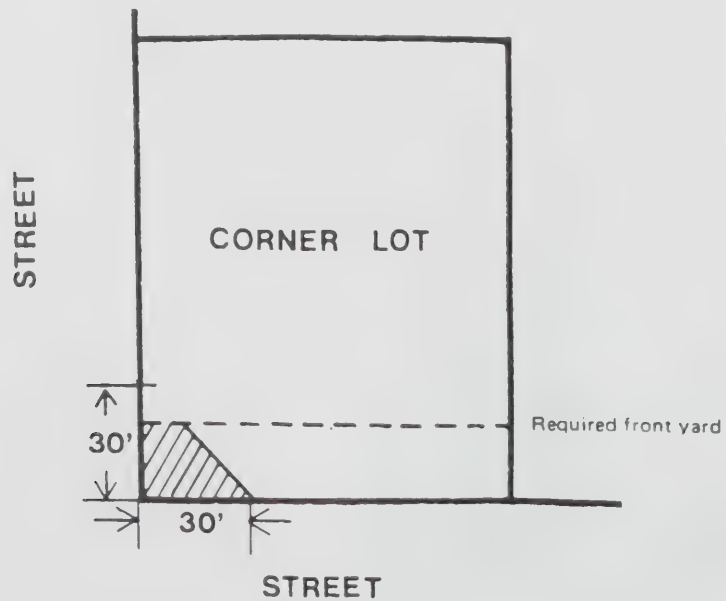


Required front yard, Table B - 20 feet
Most frequently occurring front yard - 22 feet = 22 feet required

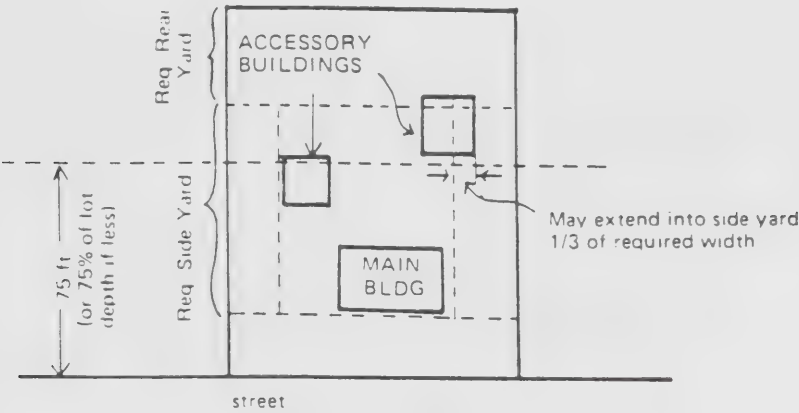


Required front yard, Table B - 15 feet:
Most frequently occurring front yard - 10' = 10 feet required

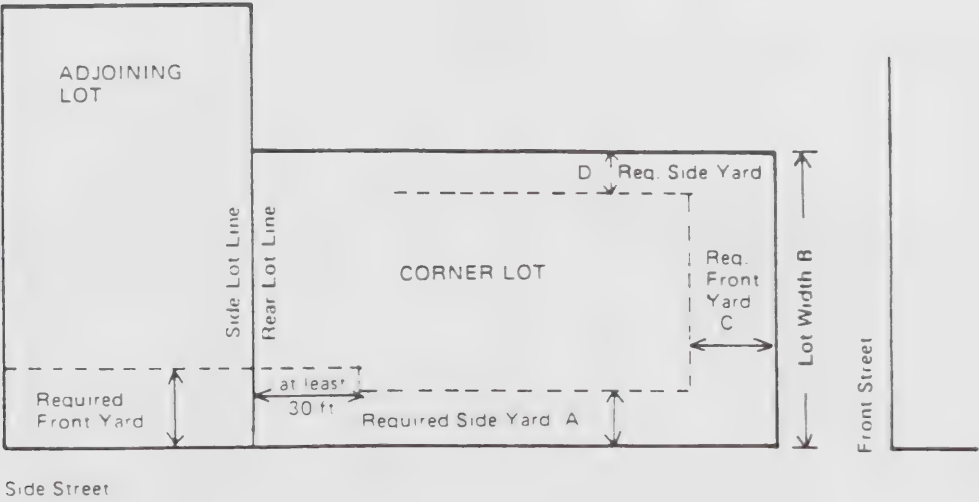
SECTION 18-3. Front Yards: Traffic visibility across corner.



SECTION 19-3. Side Yards: Accessory Garages and Other Accessory Buildings

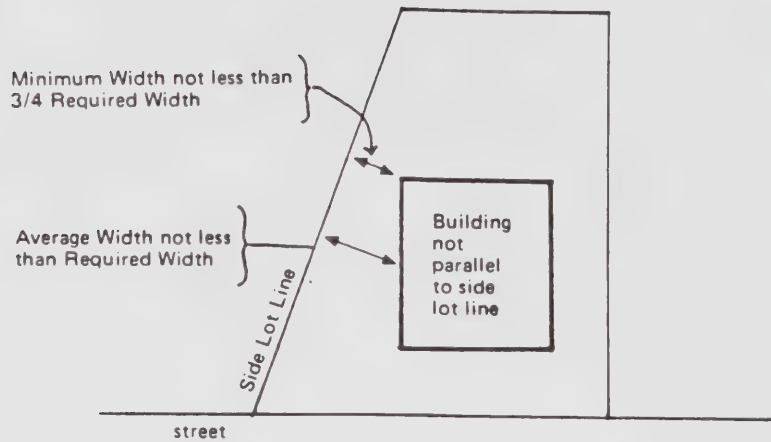


SECTION 19-6 (b). Side Yards: Special Provisions for Corner Lots in other than H District



A - at least 20% of B but not be more than C and shall not be less than D

SECTION 19-7. Side Yards: Side Wall Of Building Not Parallel To Side Lot Line.



SECTION 19-8. Side Yards of Certain Narrow Lots.

S - .5 DISTRICT

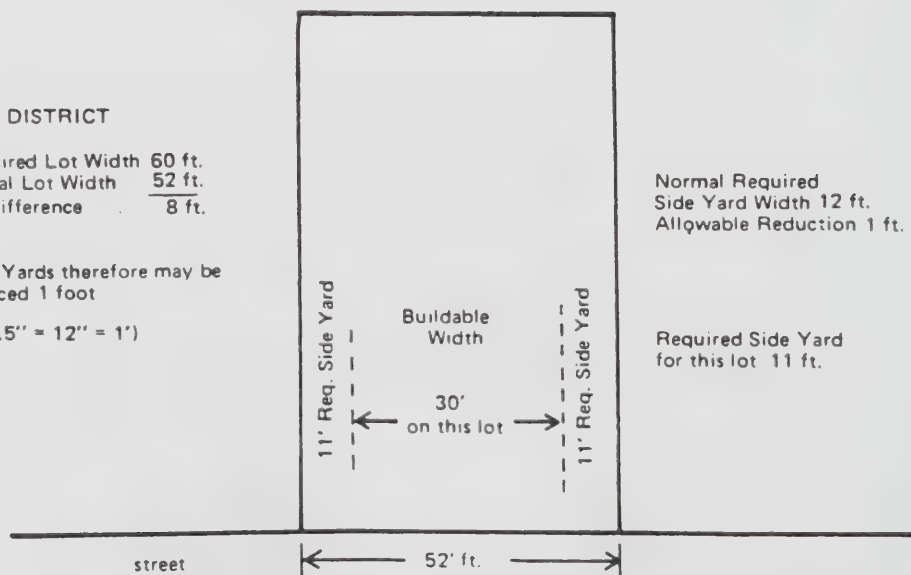
Required Lot Width 60 ft.
Actual Lot Width 52 ft.
difference 8 ft.

Side Yards therefore may be reduced 1 foot

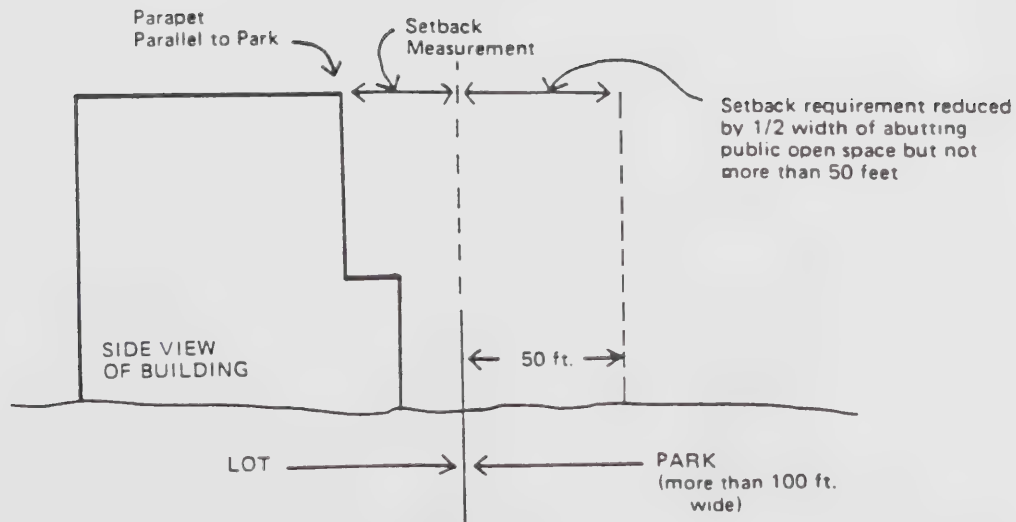
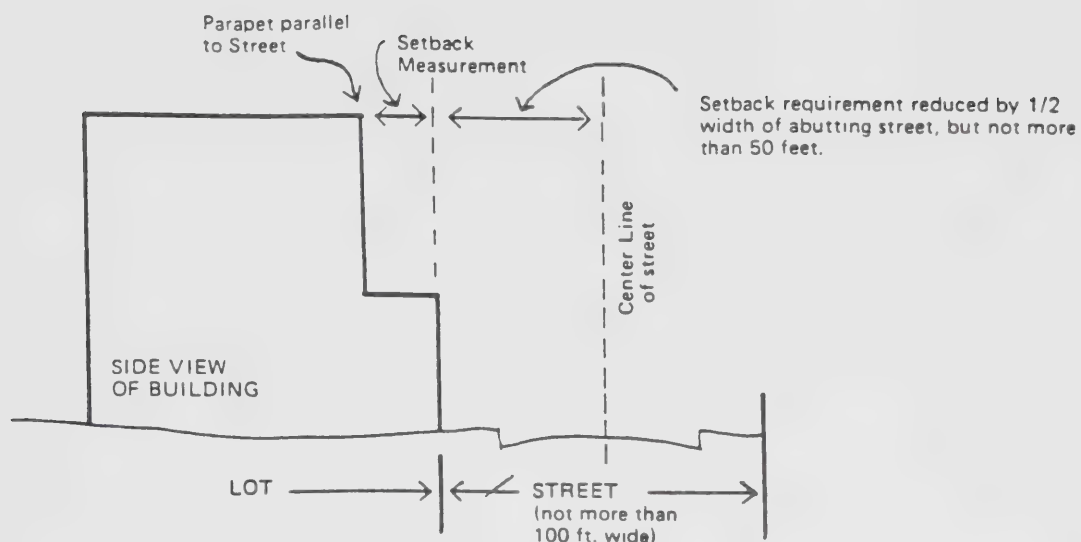
$(8 \times 1.5'' = 12'' = 1')$

Normal Required Side Yard Width 12 ft.
Allowable Reduction 1 ft.

Required Side Yard for this lot 11 ft.



SECTION 21-1. Setback Requirements



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